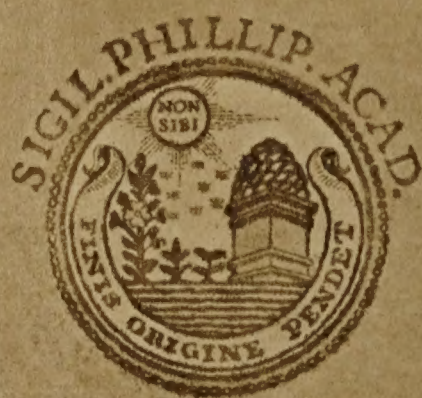


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STATE PAPERS
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PUBLICK DOCUMENTS
OF
THE UNITED STATES

FROM THE
ACCESSION OF THOMAS JEFFERSON TO THE PRESIDENCY, EXHI-
BITING A COMPLETE VIEW OF OUR FOREIGN
RELATIONS SINCE THAT TIME.

1811-15.

BOSTON:

PRINTED AND PUBLISHED BY T. B. WAIT & SONS.

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1815.



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Act

DISTRICT CLERK'S OFFICE.

DISTRICT OF MASSACHUSETTS, TO WIT:

BE it remembered, That on the twelfth day of November, A. D. 1814, and in the thirty-ninth year of the Independence of the United States of America, Thomas B. Wait and Sons of the said district, have deposited in this office the title of a book, the right whereof they claim as proprietors in the words following, to wit:

"State Papers and Publick Documents of the United States, from the accession of Thomas Jefferson to the Presidency, exhibiting a complete view of our Foreign Relations since that time."

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned;" and also to an act entitled "An act supplementary to an act, entitled, an act for the encouragement of learning by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies during the times therein mentioned; and extending the benefits thereof to the Arts of Designing, Engraving, and Etching Historical, and other Prints.

WILLIAM S. SHAW,
Clerk of the District of Massachusetts.

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ADVERTISEMENT.

THE publishers of the State Papers and Publick Documents of the United States from the accession of Thomas Jefferson to the Presidency, congratulate themselves and the citizens of this country on the completion of this important undertaking.

No cause of complaint against the publishers would have been suggested by any person, had the present volume closed with the documents before the publick at the date of our proposals. Although the full complement of five hundred pages was occupied with those to that time, January 1814, they have thought best to incur the expense of about half another volume to enable the community to receive the complete set of Papers to the close of the war. The inducement to this gratuitous exertion for the general diffusion of information was the very liberal subscription, with which this work has been received ; and the publishers entertain no fears of ultimate loss from the neglect of a generous people.

Though the volumes embrace so many documents of such diversified relations with foreign powers, it is confidently believed the collection is complete. No labour has been spared to make it so. The opinions of gentlemen, whom the publishers have consulted on this subject, have not, however, in all cases, been united. A desire has been expressed to have the convention of boundaries, as settled by Mr. King, between us and Great Britain, inserted. Perhaps many would look for the celebrated letter of Turreau, the French minister, relative to which the statement of Mr. Graham is given by the secretary of state with his report. The letter is printed with the Journals of the House. But we have not thought ourselves permitted to publish papers of that kind, unless by the President communicated to Congress, and afterwards by the Congress given to their constituents. The late war produced many official letters and reports, such as those on retaliation, on the manner in which the war was conducted by the enemy, and treatment of prisoners, of which our judgment was, that they were not within the original plan of the undertaking. Yet the evidence of the sale by the enemy of slaves, carried from Virginia, is given, though it might seem equally to be excluded, because in the instructions of the secretary to our plenipotentiaries at Ghent, it is introduced among the other important subjects of advice, and the omission of the document to support the instructions might not have been justifiable. If, however, any paper be discovered by curious inquirers, whose

insertion is requisite for the completion of the series on the principles assumed, the request for its communication is renewed ; and the publishers will gladly print it in the Appendix to the other series of State Papers, during the administrations of Washington and Adams. Of that series, it is presumed, every purchaser of the present would choose to have a copy.

It has been regretted, that the volumes have not been numbered, but this is not an important defect. Indeed each volume is numbered on the inside, at the foot of every eighth page ; and in the Index references are made to such numerical division. In the binding the distinction of years was preferred for the outside, for this obvious reason, that, as the title is "American State Papers," and the same title will be adopted for the earlier series, of which it is not even yet known whether it may be contained in three or in four volumes, it remains uncertain, whether the *first* volume of this work will finally be numbered as *fourth* or *fifth* of the general collection from the commencement of our federal government.

On the subject of confusion of dates, from the insertion of papers of one year after papers of later years, we refer inquirers to the few words of explanation in our advertisement to the third volume. It is there sufficient, though so brief, that we may be excused for adding another word. We have uniformly, unless the contrary is notified to the reader, given the papers in the order that government communicated to them. Every one must understand, that when, at the opening of a session of Congress, the communications from different countries are displayed, the order to be followed should be such as to give the best understanding of the subjects. The letters from England should be printed without mixture of letters from France, though the dates of some of the latter may be before some and after others from the former. So, in the great questions about blockades and impressments, much was written, which the government thought best not to make publick for several years, when it acquired an interest from the new communications which the old were wanted to explain. Some errors of dates, in which the printers followed the official papers, are corrected in the Index, which, it is believed, will be found sufficiently copious.

The work has swelled under the hands of the publishers to five volumes, though it was not expected to fill more than four. This would be a cause of regret, were not the importance of the matter enough to satisfy every subscriber of the value of his acquisition. In the present extraordinary situation of the old world, these pages acquire a new interest with every politician, whose sagacity is exerted to discover how our country may be implicated in the relations of Europe.

Boston, May, 1815.

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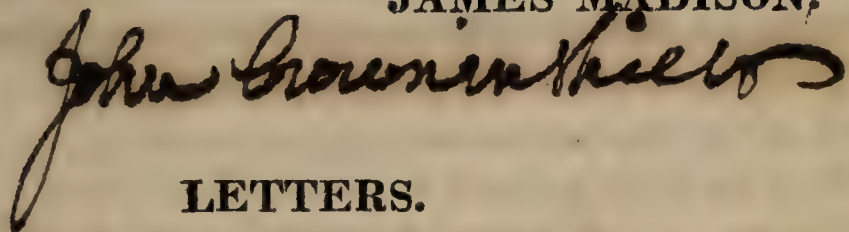
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MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CON-
GRESS. NOV. 7, 1811.

I now lay before Congress two letters to the Department of State, one from the present plenipotentiary of France, the other from his predecessor, which were not included among the documents accompanying my message of the fifth instant, the translation of them being not then completed.

JAMES MADISON,



LETTERS.

Translation of a letter from Gen. Turreau to the Secretary of State, dated Nov. 14, 1810.

SIR,

ALTHOUGH you may have been already informed through another official channel of the repeal of the decrees of Berlin and Milan, it is agreeable to me to have to confirm to you this new liberal disposition of my court towards the government of the States of the Union.

You will recollect, without doubt, sir, that these decrees were adopted in retaliation for the multiplied measures of England against the rights of neutrals, and especially against those of the United States: and after this new proof of deference to the wishes of your government, his majesty the emperor has room to believe that it will

make new efforts to withdraw the American commerce from the yoke which the prohibitory acts of Great Britain have imposed upon it. You will, at the same time observe, sir, that the clearly expressed intention of my government is, that the renewal of commercial intercourse between France and the United States cannot alter the system of exclusion adopted by all Europe, against all the products of the soil or of the manufactures of England or her colonies: a system, the wisdom and the advantages of which are already proved by its development and its success. And of which also, the United States, as an agricultural and commercial power, have a particular interest, in aiding in, and hastening the completion. Moreover, sir, this measure of my government, and those which yours may think proper to adopt, will prove the inutility of the efforts of the common enemy to break the ties of friendship which a humane and generous policy has necessarily formed between France and the United States, and which the actual crisis ought to draw closer. We ought hereafter, sir, to hope, or rather, we may be assured, that new relations still more close and more friendly are about to be formed between Americans and Frenchmen, and that these two people will be more than ever convinced that their glory, their interest and their happiness, must eternally consecrate the principle and the conservation of these relations.

I seize with eagerness this occasion, sir, of renewing to you the assurance of my high consideration.

(Signed) *Isidore de Villèle* TURREAU.

WASHINGTON, JULY 23, 1811.

SIR,

THE new dispositions of your government expressed in the supplementary act of the 2d of March last, having been officially communicated to my court by the chargé d'affaires of the United States, his imperial majesty, as soon as he was made acquainted with them, directed that the American vessels sequestered in the ports of France, since the 2d of November, should be released. Their car-

goes have been admitted, and some of them have departed upon conforming with the municipal laws of the country; that is to say, by exporting wines, silks and the products of French manufactures. Orders were to be given at the same time, that all American vessels coming from the United States, and loaded with merchandise, the growth of the country, should be admitted and received in all the ports of France.

I hasten, sir, according to the orders I have received, to make these dispositions known to your government.

In order to prevent all difficulty in relation to the cargoes of vessels, the table indicating the merchandise of the growth of the United States has been prepared; and it has been thought that a rule could not be adopted more favourable and more sure, than the statement itself of the exportations made by the Americans during the year which preceded the embargo, viz: from 1st October, 1806, to 30th September, 1807, a period during which your commerce of exportation was in full activity. I annex this table to my letter. Coffee, sugar and cocoa are not included in this statement. These articles of merchandise have always been ranged in the class of colonial products, and whatever may be their origin, his majesty, while favouring in his states many branches of culture, and many new establishments with a view of supplying their place by indigenous productions, could not encourage indefinitely their exportation. Vessels arriving with permits, by means of which the importation of merchandise of this sort is authorized, will be admitted.

The introduction of tobacco is not prohibited. It forms the first object of culture of some of the states of the Union, and his majesty having an equal interest in the prosperity of all, desires that the relations of commerce should be common to all parts of the federal territory; but tobacco is under an administration (*en régie*) in France; the administration is the only consumer, and can purchase only the quantity necessary for its consumption. It became necessary that measures should be taken upon this

subject, and they have been conformable to the common interest. Tobacco will be received in the ports of France and placed in actual deposit (*en entrepôt réel*) ; and if more arrives than the administration can purchase, the transit of the surplus will be permitted across France for Germany and the other states of Europe, in which the American merchants may find a sale for it.

All the vessels of the United States which may arrive in France will have to discharge the custom house duties, to which the merchandise they may bring is subject ; and their return must be effected by exporting an equal value in French wines, silks, and other articles of French manufacture, in the proportions determined by the regulations.

Merchandise of the growth of the United States composing the cargoes of American vessels, must be accompanied with a certificate of origin, delivered by the French consul of the port from whence the vessel departed.

I flatter myself, sir, that the communication of these dispositions of the emperor, in favour of American commerce, will be as agreeable to your government, as it is to me to be the means of making it.

I have the honour, sir, to renew to you the assurance of my high consideration.

The Minister of France,

SERURIER.

Mr. MONROE, Secretary of State.

Productions of the soil and of the manufactures of the United States exported from the 1st October, 1806, to the 30th September, 1807.

SALT or smoked fish, dried or pickled do. whale and other fish oil, whale bone, spermaceti candles, staves and heading, shingles, hoops, plank, timber, lumber of all kinds, masts and spars, manufactures of wood, oak bark and other dyes, tar, pitch, rosin, turpentine, skins and furs, ginseng, beef, tallow, hides, horned cattle, pork, hams and bacon, lard, hogs, butter, cheese, pot and pearl ashes,

horses, mules, sheep, poultry, mustard, cotton, linseed oil, spirits of turpentine, cards, wool and cotton, maple and other brown sugar, bar iron, nails, castings, canvass and sail cloth, wheat, flour, rye meal, buck wheat meal, biscuit or ship bread, indian corn, indian meal, rye, oats, barley, buckwheat, beans, peas, apples, potatoes, rice, indigo, tobacco, flaxseed, hops, wax, household furniture, coaches and other carriages, hats, saddlery, boots, shoes, silk and leather, beer, porter and cider in casks and bottles, spirits from grain, starch, candles, soap, wax candles, hair powder, snuff, tobacco manufactured, bricks, essence of bark, cables and cordage, spirits from molasses, refined sugar, chocolate, gunpowder, copper manufactured, medicinal drugs.

True copy,

The minister of foreign relations,

(Signed)

THE DUKE OF BASSANO.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO CONGRESS. NOVEMBER 13, 1811.

I COMMUNICATE to Congress copies of a correspondence between the envoy extraordinary and minister plenipotentiary of Great Britain and the Secretary of State, relative to the aggression committed by a British ship of war on the United States frigate Chesapeake, by which it will be seen that that subject of difference between the two countries is terminated by an offer of reparation which has been acceded to.

JAMES MADISON.

Mr. Foster to Mr. Monroe.

WASHINGTON, OCT. 30, 1811.

SIR,

I HAD already the honour to mention to you that I came to this country furnished with instructions from his royal

highness the prince regent, in the name and on the behalf of his majesty, for the purpose of proceeding to a final adjustment of the differences which have arisen between Great Britain and the United States of America in the affair of the Chesapeake frigate, and I had also that of acquainting you with the necessity, under which I found myself, of suspending the execution of those instructions in consequence of my not having perceived that any steps whatever were taken by the American government to clear up the circumstances of an event which threatened so materially to interrupt the harmony subsisting between our two countries, as that which occurred in the month of last May, between the United States' ship President and his majesty's ship Little Belt, when every evidence before his majesty's government seemed to show that a most evident and wanton outrage had been committed on a British sloop of war by an American commodore.

A court of inquiry, however, as you informed me in your letter of the 11th instant, has since been held by order of the President of the United States, on the conduct of commodore Rodgers, and this preliminary to further discussion on the subject being all that I asked in the first instance, as due to the friendship subsisting between the two states, I have now the honour to acquaint you that I am ready to proceed in the truest spirit of conciliation to lay before you the terms of reparation which his royal highness has commanded me to propose to the United States' government, and only wait to know when it will suit your convenience to enter upon the discussion.

I have the honour to be, &c.

AUG. J. FOSTER.

To the Hon. JAMES MONROE, &c. &c. &c.

From Mr. Monroe to Mr. Foster.

DEPARTMENT OF STATE, OCT. 31, 1811.

SIR,

I HAVE just had the honour to receive your letter of the 30th of this month.

I am glad to find, that the communication which I had the honour to make to you on the 11th instant relative to the court of inquiry, which was the subject of it, is viewed by you in the favourable light which you have stated.

Although I regret that the proposition which you now make in consequence of that communication, has been delayed to the present moment, I am ready to receive the terms of it whenever you may think proper to communicate them. Permit me to add, that the pleasure of finding them satisfactory will be duly augmented, if they should be introductory to a removal of all the differences depending between our two countries, the hope of which is so little encouraged by your past correspondence. A prospect of such a result will be embraced, on my part, with a spirit of conciliation, equal to that which has been expressed by you. I have the honour to be, &c.

JAMES MONROE.

AUGUSTUS J. FOSTER, Esq. &c. &c.

Mr. Foster to Mr. Monroe.

WASHINGTON, NOV. 1, 1811.

SIR,

IN pursuance of the orders which I have received from his royal highness the prince regent, in the name and on the behalf of his majesty, for the purpose of proceeding to a final adjustment of the differences which have arisen between Great Britain and the United States, in the affair of the Chesapeake frigate, I have the honour to acquaint you—First, that I am instructed to repeat to the American government the prompt disavowal made by his majesty (and recited in Mr. Erskine's note of April 17, 1809, to Mr. Smith,) on being apprized of the unauthorized act of the officer in command of his naval forces on the coast of America, whose recall from a highly important and honourable command immediately ensued as a mark of his majesty's disapprobation.

Secondly, that I am authorized to offer, in addition to

that disavowal, on the part of his royal highness, the immediate restoration, as far as circumstances will admit, of the men who, in consequence of Admiral Berkeley's orders, were forcibly taken out of the Chesapeake, to the vessel from which they were taken : or, if that ship should be no longer in commission, to such seaport of the United States as the American government may name for the purpose.

Thirdly, that I am also authorized to offer to the American government a suitable pecuniary provision for the sufferers in consequence of the attack on the Chesapeake, including the families of those seamen who unfortunately fell in the action, and of the wounded survivors.

These honourable propositions, I can assure you, sir, are made with the sincere desire that they may prove satisfactory to the government of the United States, and I trust they will meet with that amicable reception which their conciliatory nature entitles them to. I need scarcely add how cordially I join with you in the wish, that they might prove introductory to a removal of all the differences depending between our two countries.

I have the honour to be, &c.

AUGUSTUS J. FOSTER.

To the Hon. JAMES MONROE, &c. &c.

Mr. Monroe to Mr. Foster.

NOVEMBER 12, 1811.

SIR,

I HAVE had the honour to receive your letter of the 1st November and to lay it before the President.

It is much to be regretted that the reparation due for such an aggression as that committed on the United States frigate the Chesapeake, should have been so long delayed ; nor could the translation of the offending officer from one command to another be regarded as constituting a part of a reparation otherwise satisfactory ; considering however the existing circumstances of the case, and the early and amicable attention paid to it by his royal highness the prince

regent, the President accedes to the proposition contained in your letter, and in so doing your government will, I am persuaded, see a proof of the conciliatory disposition by which the President has been actuated.

The officer commanding the Chesapeake now lying in the harbour of Boston, will be instructed to receive the men who are to be restored to that ship.

I have the honour, &c. &c.

JAMES MONROE.

AUGUSTUS J. FOSTER, &c. &c. &c.

REPORT

OF THE COMMITTEE ON FOREIGN RELATIONS. NOVEMBER 29, 1811.

THE committee to whom was referred that part of the President's message, which relates to our foreign affairs, beg leave to report in part—

That they have endeavoured to give to the subject submitted to them, that full and dispassionate consideration which is due to one so intimately connected with the interest, the peace, the safety and honour of their country.

Your committee will not encumber your journals and waste your patience with a detailed history of all the various matters growing out of our foreign relations. The cold recital of wrongs, of injuries and aggressions known and felt by every member of this union, could have no other effect than to deaden the national sensibility, and render the publick mind callous to injuries with which it is already too familiar.

Without recurring then to the multiplied wrongs of partial or temporary operation, of which we have so just cause of complaint against the two great belligerents, your committee will only call your attention, at this time, to the systematick aggression of those powers, authorized by their edicts against neutral commerce—a system, which as regarded its principles, was founded on pretensions that went

to the subversion of our national independence: and which, although now abandoned by one power, is, in its broad and destructive operation as still enforced by the other, sapping the foundation of our prosperity.

It is more than five years since England and France, in violation of those principles of justice and publick law, held sacred by all civilized nations, commenced this unprecedented system, by seizing the property of the citizens of the United States, peaceably pursuing their lawful commerce on the high seas. To shield themselves from the odium which such outrages must incur, each of the belligerents sought a pretext in the conduct of the other—each attempting to justify his system of rapine as a retaliation for similar acts on the part of his enemy. As if the law of nations, founded on the eternal rules of justice, could sanction a principle, which, if engrafted into our municipal code, would excuse the crime of *one* robber, upon the sole plea that the unfortunate object of his cupidity, was also a victim to the injustice of another. The fact of priority could be true as to one only of the parties; and whether true or false, could furnish no ground of justification.

The United States thus unexpectedly and violently assailed by the two greatest powers in Europe, withdrew their citizens and property from the ocean: and cherishing the blessing of peace, although the occasion would have fully justified war, sought redress in an appeal to the justice and magnanimity of the belligerents. When this appeal had failed of the success which was due to its moderation, other measures, founded on the same pacifick policy, but applying to the interests, instead of the justice of the belligerents, were resorted to. Such was the character of the non-intercourse and non-importation laws, which invited the return of both powers to their former state of amicable relation, by offering commercial advantages to the one who should first revoke his hostile edicts, and imposing restrictions on the other.

France, at length, availing herself of the proffers made equally to her and her enemy, by the non-importation law

of May, 1810, announced the repeal on the first of the following November, of the decrees of Berlin and Milan. And it affords a subject of sincere congratulation to be informed, through the official organs of the government, that those decrees are, so far at least as our rights are concerned, really and practically at an end.

It was confidently expected that this act on the part of France, would have been immediately followed by a revocation on the part of Great Britain of her orders in council. If our reliance on her justice had been impaired by the wrongs she had inflicted ; yet when she had plighted her faith to the world that the sole motive of her aggression on neutral commerce was to be found in the Berlin and Milan decrees, we looked forward to the extinction of those decrees, as the period when the freedom of the seas would be again restored.

In this reasonable expectation we have, however, been disappointed. A year has elapsed since the French decrees were rescinded, and yet Great Britain, instead of retracting *pari passu* that course of unjustifiable attack on neutral rights in which she professed to be only the reluctant follower of France, has advanced with bolder and continually increasing strides. To the categorical demands lately made by our government for the repeal of her orders in council, she has affected to deny the practical extinction of the French decrees : and she has, moreover, advanced a new and unexpected demand, increasing in hostility the orders themselves. She has insisted, through her accredited minister at this place, that the repeal of the orders in council must be preceded, not only by the practical abandonment of the decrees of Berlin and Milan, so far as they infringe the neutral rights of the United States ; but by the renunciation on the part of France, of the whole of her system of commercial warfare against Great Britain, of which those decrees originally formed a part.

This system is understood to consist in a course of measures adopted by France and the other powers on the con-

continent subject to, or in alliance with her, calculated to prevent the introduction into their territories of the products and manufactures of Great Britain and her colonies ; and to annihilate her trade with them. However hostile these regulations may be, on the part of France towards Great Britain ; or however sensibly the latter may feel their effects, they are, nevertheless, to be regarded only as the expedients of one enemy against another, for which the United States, as a neutral power, can, in no respect, be responsible : they are, too, in exact conformity with those which Great Britain has herself adopted and acted upon in time of peace as well as war. And it is not to be presumed that France would yield to the unauthorized demand of America what she seems to have considered as one of the most powerful engines of the present war.

Such are the pretensions upon which Great Britain founds the violation of the maritime rights of the United States—pretensions not theoretical merely, but followed up by a desolating war upon our unprotected commerce. The ships of the United States, laden with the products of our own soil and labour, navigated by our own citizens and peaceably pursuing a lawful trade, are seized on our own coasts, and at the very mouths of our harbours, condemned and confiscated.

Your committee are not, however, of that sect whose worship is at the shrine of a calculating avarice. And while we are laying before you the just complaints of our merchants against the plunder of their ships and cargoes, we cannot refrain from presenting to the justice and humanity of our country the unhappy case of our impressed seamen. Although the groans of these victims of barbarity for the loss of (what should be dearer to Americans than life) their liberty—although the cries of their wives and children in the privation of protectors and parents, have, of late, been drowned in the louder clamours at the loss of property : yet is the practice of forcing our mariners into the British navy, in violation of the rights of our flag, carried on with unabated rigour and severity. If it be our

duty to encourage the fair and legitimate commerce of this country by protecting the property of the merchant, then, indeed, by as much as if life and liberty are more estimable than ships and goods, so much more impressive is the duty to shield the persons of our seamen, whose hard and honest services are employed, equally with those of the merchants, in advancing, under the mantle of its laws, the interests of their country.

To sum up, in a word, the great causes of complaint against Great Britain, your committee need only say—That the United States as a sovereign and independent power, claim the right to use the ocean, which is the common and acknowledged highway of nations, for the purposes of transporting, in their own vessels, the products of their own soil and the acquisitions of their own industry, to a market in the ports of friendly nations, and to bring home, in return, such articles as their necessities or convenience may require, always regarding the rights of belligerents, as defined by the established laws of nations. Great Britain, in defiance of this incontestable right, captures every American vessel bound to or returning from a port where her commerce is not favoured; enslaves our seamen, and in spite of our remonstrances perseveres in these aggressions.

To wrongs so daring in character, and so disgraceful in their execution, it is impossible that the people of the United States should remain indifferent. We must now tamely and quietly submit, or we must resist by those means which God has placed within our reach.

Your committee would not cast a shade over the American name, by the expression of a doubt which branch of this alternative will be embraced. The occasion is now presented when the national character, misunderstood and traduced for a time by foreign and domestick enemies, should be vindicated.

If we have not rushed to a field of battle like the nations who are led by the mad ambition of a single chief, or the avarice of a corrupted court, it has not proceeded from

a fear of war, but from our love of justice and humanity. That proud spirit of liberty and independence, which sustained our fathers in the successful assertion of their rights against foreign aggression, is not yet sunk. The patriotick fire of the revolution still burns in the American breast with a holy and unextinguishable flame, and will conduct this nation to those high destinies, which are not less the reward of dignified moderation, than of exalted valour.

But we have borne with injury until forbearance has ceased to be a virtue. The sovereignty and independence of these states, purchased and sanctified by the blood of our fathers, from whom we received them, not for ourselves only, but as the inheritance of our posterity, are deliberately and systematically violated. And the period has arrived, when in the opinion of your committee, it is the sacred duty of congress to call forth the patriotism and resources of the country. By the aid of these, and with the blessing of God, we confidently trust we shall be enabled to procure that redress, which has been sought for by justice, by remonstrance and forbearance in vain.

Your committee, reserving for a future report, those ulterior measures, which in their opinion ought to be pursued, would at this time earnestly recommend, in the words of the President, "That the United States be immediately put into an armour and attitude demanded by the crisis, and corresponding with the national spirit and expectations."

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING REPORT OF SECRETARY OF STATE RELATIVE TO TRADE WITH FRANCE. JAN. 16, 1812.

I TRANSMIT to the senate a report of the Secretary of State, complying with their resolution of the 18th of November.

JAMES MADISON.

REPORT.

THE Secretary of State, to whom was referred the resolution of the senate requesting information on certain points respecting the trade of the United States to France, has the honour to report to the President, that he has examined the files of this department, and found no precise information on the subject of the said resolution, which has not been heretofore communicated to congress.

That in consequence thereof he applied to the French minister for the requisite information, who, not possessing it, referred the application to the consul-general of France, from whom, as yet, nothing has been received, as will more fully appear by the accompanying letters, marked A and B.

It may be proper to observe, that it is generally understood, as well from the letters of Mr. Russell, communicated to congress at the commencement of the present session as from other sources, that the trade of the United States to France is subjected to very severe restrictions; but the precise extent and nature of them is not distinctly known to this department. The instructions of the minister of the United States at Paris embracing this as well as other subjects, communications from that source may soon furnish more particular information. An expectation of the speedy arrival of despatches from France, together with a hope that the French consul-general would have been enabled to throw some light upon the inquiry, have caused the postponement of this report until the present time.

JAMES MONROE.

Department of State, Jan. 16, 1812.

(A.)

DEPARTMENT OF STATE, JAN. 4, 1812.

SIR,

WHEN I did myself the honour to submit to you a copy of the resolution of the senate of the United States of the 18th of November last, asking information as to the commercial regulations of France, as they applied to the trade

of this country, you told me that it was not then in your power to give precise information as to these regulations, but that you would obtain it for me from Mr. Lescallier, his imperial majesty's consul-general in Philadelphia. I have now the honour to inquire whether Mr. Lescallier has made a report to you on this subject; and if he has, to request that you will furnish me with the result, as soon as your convenience will permit. I have the honour, &c.

(Signed)

JAMES MONROE.

Mr. SERURIER, &c. &c. &c.

(B.)

[TRANSLATION.]

WASHINGTON, JAN. 5. 1812.

SIR,

THE documents for which the senate called upon you not being in my possession, in consequence of the desire you manifested to obtain them through me, I charged the consul-general to procure them for me. I have not yet received his answer. It would not be extraordinary if Mr. Lescallier should not have the tariff, inasmuch as it is of little use to the French in this country; but I wrote to Paris at the time of our first conversation on this subject.

I will immediately renew my application to the consul-general, and from whatever source I may derive the information required, I will hasten to transmit it to you.

I beg you, sir, to receive, &c. &c.

The minister of France.

(Signed)

SERURIER.

Mr. MONROE, &c. &c. &c.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO CONGRESS... JAN. 16, 1812.

I COMMUNICATE to Congress a letter from the envoy extraordinary and minister plenipotentiary of Great Bri-

tain to the Secretary of State, with the answer of the latter.

The continued evidence, afforded in this correspondence, of the hostile policy of the British government against our national rights, strengthens the considerations recommending and urging the preparation of adequate means for maintaining them.

JAMES MADISON.

Mr. Foster to Mr. Monroe.

WASHINGTON, DEC. 17, 1811.

SIR,

I DID not mean to have written to you at this moment on the subject of our late correspondence, but that I have had the mortification to perceive statements, circulated from highly respectable sources, which gave a view of the pretensions of Great Britain relative to the United States, not warranted by any of the letters which I had the honour to address to you, and which at a time when discussions are continuing so important to the two countries, might, if left unrectified, produce an effect highly to be lamented by both the American and British governments, inasmuch as by creating unnecessary irritation, they might throw obstacles in the way of a restoration of a friendly understanding between them.

I find it asserted in the statement referred to, that I have in the name of my government, demanded that the United States' government should pass a law for the introduction of British goods into the American ports, and also that the United States should undertake to force France to receive into her harbours, British manufactures.

I beg permission, sir, to declare that neither of these demands have been made by me, and that my meaning must not have been understood, if such was conceived to have been its import.

I could not have demanded the passage of such a law as above stated, because my government does not pretend to

interfere with the internal government of a friendly power, nor did I mean to demand that America should force France to receive our manufactures.

All I meant to say was, that the admission of French commerce while that of England has been excluded from the United States' ports, was regarded by Great Britain as highly unfriendly in America, and that a continuation of such policy would be retaliated upon by Great Britain with similar restrictions on her part, which was so far merely an offering of like for like. But while the American non-importation act excludes British trade from the United States' ports, it must be recollected that it goes still further and excludes also British armed ships from American ports, while it admits those of the enemies of Great Britain. "A neutral nation is responsible for the equality of its rules of conduct towards the belligerent powers" (to use the words of an American secretary of state in the year 1796) and therefore the part of the law which establishes an inequality was justly an object of more serious complaint on the part of Great Britain. You are aware, sir, of the advantage which his majesty's enemies have derived from this state of inequality which enables them, though possessing no port in this hemisphere, continually to prey on the trade of his majesty's subjects, secure of a refuge for their cruisers and their prizes.

The prohibition of entry to his majesty's ships under these circumstances might perhaps justify Great Britain in asserting, that whatever reason she may have for repealing or modifying her orders in council, so as to lessen or entirely remove the pressure now unavoidably laid on the trade of America as a neutral nation, she might yet refuse to enter into any discussion on that subject with the United States, until either by the revocation of the prohibition above stated, or the placing all the belligerents under the same prohibition, America should cease to violate the duties of a neutral nation.

With respect, however, to the supposed demand that

America should force the entry of British manufactures into France, it is most particularly necessary that I should explain myself, as a total misconception appears to have taken place upon this point. The question of retaliation on the French decrees is directly one between England and France. In consequence of the extraordinary blockade of England, we have in our defence been obliged to blockade France, and prohibit all trade in French articles in return for the prohibition by France of all trade in English articles. This measure of retaliation, it is wished, should operate on France alone, but from the trade carried on with France by America, it unavoidably operates also on her; it is a measure to destroy the French trade in return for the similar measure of France on which it is retaliatory, and its acting on neutrals is an incidental effect of it, consequent upon the submission of neutrals to the original measures of the enemy against Great Britain. It is, indeed, melancholy that the unnatural situation of Europe should produce such a result, but I cannot see how this can be considered as war on American commerce, when all other American trade but that which is carried on with our enemy's ports in defiance of a blockade authorized by the laws of retaliation, is unaffected by it. We complain that America does not resist the regulations of the Berlin and Milan decrees, and object to permitting the French to trade with her during their continuance against the commerce of England; but this is not exacting, as has been represented, that America should force British manufactures into France; it is pursuing only a just course of retaliation on our enemy. If America wishes to trade with France, if French commerce is of importance to her—we expect she should exact of France to trade with her as she has a right to demand in her quality of neutral; but if she does not choose to exercise this right, all we ask is, that she should abstain from lending her assistance to the trade of France, and not allow her commerce to be a medium of undermining the resources of Great Britain.

I have thought it necessary thus to endeavour to set these two points in their true light : the repeal of the law was asked, as being an unfriendly measure, partial in its operation against Great Britain, and a prospect of retaliation was held out on its commercial operation if continued. This is no demand on the United States to admit British manufactures; they are at liberty to continue that law, only as it is of an unfriendly nature, some restrictions of a similar kind was to be expected from England; and with respect to the alleged demand for forcing British goods, the property of neutrals, into French ports, if the United States are willing to acquiesce in the regulations of the French decrees unlawfully affecting England through them, they cannot surely be surprised if we consider ourselves as at liberty to refuse permission to the French to profit by that acquiescence.

I will now, sir, take the opportunity of stating to you, that I have received from his majesty's secretary of state, the correspondence of which you did me the honour to transmit to me a copy in your letter dated October 17. My government have not been able to see in it satisfactory proof of the repeal of the French decrees, and doubt whether the trade carried on by licenses between France and America, will not be regarded, even here, as proof of the continuation of them in their fullest extent; for if they were to any extent repealed, to that extent at least no license should be necessary, a license being given to allow what, but for that license, would be prohibited.

The continued absense hitherto of any instrument by which the repeal has been affected, is a matter also of surprise, for if there were any fair dealing in the transaction, no reason can be given by France for not producing it; it is very desirable that it should be produced, if such an instrument be in existence, in order that we may know to what extent the decrees have been repealed, if they really have been so in any respect. Mr. Russell, however, does not appear to have been in possession of it at the date of his letter of last July. It is indeed become particularly

interesting, that we should see this instrument since the publication of Mr. Russell's correspondence with his own government, by which it appears that really, and in fact, the French government did not release any American ship taken after November 1, until they had become acquainted with the President's proclamation, and that vessels have been taken so late as December 21, in the direct voyage from this country to London; for until a copy of such instrument is produced, it is impossible to know whether any other trade is allowed by France than that between her own dominions and the ports of the United States.

I have the honour to be, &c.

AUG. J. FOSTER.

To the Hon. JAMES MONROE, &c. &c.

Mr. Monroe to Mr. Foster.

DEPARTMENT OF STATE, JAN. 14, 1812.

SIR,

I HAVE had the honour to receive your letter of December 17th, and I embrace the first moment that I could command, to make the observations which it suggests.

It would have afforded great satisfaction to the President, to have found in the communication, some proof of a disposition in the British government to put an end to the difference subsisting between our countries. I am sorry to be obliged to state, that it presents a new proof only of its determination to adhere to the policy, to which they are imputable.

You complain that the import of your former letters has been misunderstood in two important circumstances: that you have been represented to have demanded of the United States, a law for the introduction of British goods into their ports, and that they should also undertake to force France to receive British manufactures into her harbours.

You state that on the first point, it was your intention only to remonstrate against the non-importation act, as partial in its operation, and unfriendly to Great Britain, on

which account its repeal was claimed, and to intimate that if it was persevered in, Great Britain would be compelled to retaliate on the commerce of the United States, by similar restrictions on her part. And on the second point, that you intended only to urge, that in consequence of the extraordinary blockade of England, your government had been obliged to blockade France, and to prohibit all trade in French articles, in return for the prohibition by France of all trade in English articles.

It is sufficient to remark on the first point, that on whatever ground the repeal of the non-importation act is required, the United States are justified in adhering to it, by the refusal of the British government to repeal its orders in council; and if a distinction is thus produced between Great Britain and the other belligerent, it must be referred to the difference in the conduct of the two parties.

On the second point, I have to observe that the explanation given cannot be satisfactory, because it does not meet the case now existing. France did, it is true, declare a blockade of England, against the trade of the United States, and prohibit all trade in English articles on the high seas, but this blockade and prohibition no longer exist. It is true also, that a part of those decrees, did prohibit a trade in English articles, within her territorial jurisdiction; but this prohibition violates no national rights, or neutral commerce, of the United States. Still your blockade and prohibition are continued, in violation of the national and neutral rights of the United States, on a pretext of retaliation, which, if even applicable, could only be applied to the former, and not to the latter interdicts; and it is required that France shall change her internal regulations against English trade, before England will change her external regulations against the trade of the United States.

But you still insist that the French decrees are unrevoked, and urge in proof of it, a fact drawn from Mr. Russell's correspondence, that some American vessels have been taken since the first of November, in their route to England. It is a satisfactory answer to this remark, that it appears

by the same correspondence, that every American vessel which had been taken in that trade, the seizure of which rested on the Berlin and Milan decrees only, were, as soon as that fact was ascertained, delivered up to their owners. Might there not be other ground also, on which seizures might be made? Great Britain claims a right to seize for other causes, and all nations admit it in the case of contraband of war. If by the law of nations, one belligerent has a right to seize neutral property in any case, the other belligerent has the same right. Nor ought I to overlook that the practice of counterfeiting American papers in England, which is well known to the continent, has, by impairing the faith due to American documents, done to the United States essential injury. Against this practice the minister of the United States at London, as will appear by reference to his letter to the marquis Wellesley of the 3d of May, 1810, made a formal representation, in pursuance of instructions from his government, with an offer of every information possessed by him, which might contribute to detect and suppress it. It is painful to add that this communication was entirely disregarded. That Great Britain should complain of acts in France, to which by her neglect, she was instrumental, and draw from them proof in support of her orders in council, ought certainly not to have been expected.

You remark also, that the practice of the French government to grant licenses to certain American vessels, engaged in the trade between the United States and France, is an additional proof that the French decrees still operate in their fullest extent. On what principle this inference is drawn from that fact it is impossible for me to conceive. It was not the object of the Berlin and Milan decrees to prohibit the trade between the United States and France. They were meant to prohibit the trade of the United States with Great Britain which violated our neutral rights, and to prohibit the trade of Great Britain with the continent, with which the United States have nothing to do. If the object had been to prohibit the trade between the United

States and France, Great Britain could never have found in them any pretext for complaint. And if the idea of retaliation, could in any respect have been applicable, it would have been by prohibiting our trade with herself. To prohibit it with France, would not have been a retaliation ; but a co-operation. If licensing by France the trade in certain instances, prove any thing, it proves nothing more than that the trade with France, in other instances, is under restraint. It seems impossible to extract from it in any respect, that the Berlin and Milan decrees are in force, so far as they prohibit the trade between the United States and England. I might here repeat that the French practice of granting licenses to trade between the United States and France, may have been intended in part, at least, as a security against the simulated papers ; the forging of which was not suppressed in England. It is not to be inferred from these remarks, that a trade by license, is one with which the United States are satisfied. They have the strongest objections to it, but these are founded on other principles, than those suggested in your note.

It is a cause of great surprise to the President, that your government has not seen in the correspondence of Mr. Russell, which I had the honour to communicate to you on the 17th of October last, and which has been lately transmitted to you by your government, sufficient proof of the repeal of the Berlin and Milan decrees. Independent of the conclusive evidence of the fact, which that correspondence afforded, it was not to be presumed from the intimation of the marquis of Wellesley, that if it was to be transmitted to you, to be taken into consideration in the depending discussions, that it was of a nature to have no weight in these discussions.

The demand which you now make of a view of the order given by the French government to its cruisers, in consequence of the repeal of the French decrees, is a new proof of its indisposition to repeal the orders in council. The declaration of the French government was, as has been heretofore observed, a solemn and obligatory act, and as

such entitled to the notice and respect of other governments. It was incumbent on Great Britain, therefore, in fulfilment of her engagement, to have provided that her orders in council should not have effect, after the time fixed for the cessation of the French decrees. A pretension in Great Britain to keep her orders in force till she received satisfaction of the practical compliance of France, is utterly incompatible with her pledge. A doubt, founded on any single act, however unauthorized, committed by a French privateer, might, on that principle, become a motive for delay and refusal. A suspicion that such acts would be committed might have the same effect; and in like manner her compliance might be withheld as long as the war continued.—But let me here remark, that if there was room for a question, whether the French repeal did or did not take effect, at the date announced by France, and required by the United States, it cannot be alleged that the decrees have not ceased to operate since the 2d of February last, as hitherto observed. And as the actual cessation of the decrees to violate our neutral rights, was the only essential fact in the case, and has long been known to your government, the orders in council, from the date of that knowledge, ought to have ceased, according to its own principles and pledges.

But the question whether and when the repeal of the Berlin and Milan decrees have took effect in relation to the neutral commerce of the United States, is superceded by the novel and extraordinary claim of Great Britain to a trade in British articles, with her enemy; for supposing the repeal to have taken place, in the fullest extent claimed by the United States, it could according to that claim, have no effect in removing the orders in council.

On a full view of the conduct of the British government in these transactions, it is impossible to see in it any thing short of a spirit of determined hostility to the rights and interests of the United States. It issued the orders in council, on a principle of retaliation on France, at a time

when it admitted the French decrees to be ineffectual: it has sustained these orders in full force since, notwithstanding the pretext for them has been removed, and latterly it has added a new condition to their repeal, to be performed by France, to which the United States in their neutral character has no claim, and could not demand, without departing from their neutrality, a condition which, in respect to the commerce of other nations with Great Britain, is repugnant to her own policy, and prohibited by her own laws, and which can never be enforced on any nation without a subversion of its sovereignty and independence. I have the honour to be, &c.

JAMES MONROE.

AUG. J. FOSTER. Esq. &c. &c.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JAN. 17. 1812.

I LAY before Congress a letter from the envoy extraordinary and minister plenipotentiary of Great Britain to the secretary of state, with the answer of the latter.

JAMES MADISON.

Mr. Foster to Mr. Monroe.

WASHINGTON, DEC. 28, 1811.

SIR,

I HAVE been informed by Mr. Morier, that so long ago as the 3d of last January, in consequence of a written communication from sir James Craig, his majesty's governor general and commander in chief in Canada, dated the 25th of November, 1810, acquainting him with his suspicions of its being the intention of some of the Indian tribes, from the great fermentation among them, to make

an attack upon the United States, and authorizing him to impart his suspicions to the American secretary of state ; he had actually done so verbally to Mr. Smith your predecessor in office, and on searching among the archives of this mission, I have found the letter alluded to of sir James Craig, by which he did authorize Mr. Morier to make the communication in question, as well as a memorandum of its having so been made, as also an express declaration of sir James Craig, that although he doubted there would not be wanting persons who would be ready to attribute the movements of the Indians to the influence of the British government, yet that his department were actually making every exertion in their power to assist in preventing their attempts.

This evidence, sir, of a friendly disposition to put the United States government on their guard against the machinations of the savages, and even to aid in preventing the calamity which has taken place, is so honourable to the governour general of Canada, and so clearly in contradiction to the late unfounded reports which have been spread of a contrary nature, that I cannot resist the impulse I have to draw your attention towards it, not that I conceive, however, that it was necessary to produce this proof to the United States government of the falsity of such reports, which the character of the British nation, and the manifest inutility of urging the Indians to their destruction, should have rendered improbable, but in order that you may be enabled, in case it shall seem fitting to you, by giving publicity to this letter, to correct the mistaken notions on the subject, which have unfortunately found their way even among persons of the highest respectability, only, as I am convinced, from their having been misinformed.

I have the honour to be, &c.

AUGUSTUS J. FOSTER.

The Hon. JAMES MONROE, &c. &c.

Mr. Monroe to Mr. Foster.

DEPARTMENT OF STATE, JAN. 9, 1812.

SIR,

I HAVE had the honour to receive your letter of the 28th ult. disavowing any agency of your government in the hostile measures of the Indian tribes towards the United States. If the Indians desired any encouragement from any persons in those measures of hostility, it is very satisfactory to the President to receive from you an assurance that no authority or countenance was given to them by the British government. I have the honour to be, &c.

JAMES MONROE.

His Excellency AUGUSTUS J. FOSTER, &c. &c.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. MARCH 9, 1812.

I LAY before Congress copies of certain documents which remain in the Department of State. They prove that, at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality towards Great Britain, and in the midst of amicable professions and negotiations on the part of the British government, through its publick minister here, a secret agent of that government was employed in certain states, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and, eventually, in concert with a British force, of destroying the Union and forming the eastern part thereof into a political connection with Great Britain.

In addition to the effect which the discovery of such a

procedure ought to have on the publick councils, it will not fail to render more dear to the hearts of all good citizens, that happy union of these states, which, under Divine Providence, is the guaranty of their liberties, their safety, their tranquillity, and their prosperity.

JAMES MADISON.

A.

[COPY.]

PHILADELPHIA, FEB. 20, 1812.

SIR,

MUCH observation and experience have convinced me, that the injuries and insults with which the United States have been so long and so frequently visited, and which cause their present embarrassment, have been owing to an opinion entertained by foreign states,—“*That in any measure tending to wound their pride, or provoke their hostility, the government of this country could never induce a great majority of its citizens to concur.*” And, as many of the evils which flow from the influence of this opinion on the policy of foreign nations, may be removed by any act that can produce *unanimity among all parties in America*, I voluntarily tender to you, sir, such means as I possess towards promoting so desirable and important an object; which, if accomplished, cannot fail to extinguish, perhaps for ever, those expectations broad, which may protract indefinitely, an accommodation of existing differences, and check the progress of industry and prosperity in this rising empire.

I have the honour to transmit herewith the documents and correspondence relating to an important mission, in which I was employed by Sir James Craig, the late governor general of the British provinces in North America, in the winter of the year 1809.

The publication of these papers will demonstrate a fact not less valuable than the good already proposed; it will prove that no reliance ought to be placed on the professions of good faith of an administration, which, by a series of

disastrous events, has *fallen* into such hands as a Castle-reagh, a Wellesley or a Liverpool—I should rather say, into the hands of the stupid subalterns, to whom the pleasures, and the indolence of those ministers, have consigned it. In contributing to the good of the United States by an exposition, which cannot (I think) fail to solve and melt all division and disunion among its citizens; I flatter myself with the fond expectation, that when it is made publick in England, it will add one great motive to the many that already exist, to induce that nation to withdraw its confidence from *men, whose political career is a fruitful source of injury and embarrassment in America; of injustice and misery in Ireland; of distress and apprehension in England; and contempt every where.*

In making this communication to you, sir, I deem it incumbent on me, distinctly and unequivocally to state, that I adopt no party views; that I have not changed any of my political opinions; that I neither seek nor desire the patronage, nor countenance of any government, nor of any party; and, that, in addition to the motives already expressed, *I am influenced by a just resentment of the perfidy and dishonour of those who first violated the conditions upon which I received their confidence; who have injured me, and disappointed the expectations of my friends; and left me no choice, but between a degrading acquiescence in injustice, and a retaliation, which is necessary to secure to me my own respect.*

This wound will be felt where it is merited; and if Sir James Craig still live, his share of the pain will excite no sympathy among those who are at all in the secret of our connection. I have the honour to be, &c. &c.

(Signed) J. HENRY.

To JAMES MONROE, Esq. Secretary of State.

No. I.

[COPY.]

*Mr. Ryland, Secretary to Sir James Craig, Governour
General of Canada, to Mr. Henry.*

Most secret and confidential.

QUEBEC, JANUARY 26, 1809.

MY DEAR SIR,

THE extraordinary situation of things at this time in the neighbouring states, has suggested to the Governour in chief, the idea of employing you on a secret and confidential mission to Boston, provided an arrangement can be made to meet the important end in view, without throwing an absolute obstacle in the way of your professional pursuits. *The information and political observations heretofore received from you, were transmitted by his excellency to the secretary of state, who has expressed his particular approbation of them; and there is no doubt that your able execution of such a mission as I have above suggested, would give you claim, not only on the Governour General, but on his majesty's ministers, which might eventually contribute to your advantage.* You will have the goodness therefore to acquaint me, for his excellency's information, whether you could make it convenient to engage in a mission of this nature, and what pecuniary assistance would be requisite to enable you to undertake it without injury to yourself.

At present it is only necessary for me to add, that the governour would furnish you with a cypher for carrying on your correspondence; and that in case the leading party in any of the states wished to open a communication with this government, their views might be communicated through you. I am with great truth and regard, &c.

(Signed)

HERMAN W. RYLAND.

No. II.

[COPY.]

Sir James Craig, Gov. Gen. of Canada, to Mr. Henry.

Most secret and confidential.

QUEBEC, FEBRUARY 6, 1809.

SIR,

As you have so readily undertaken the service, which I have suggested to you, as being likely to be attended with much benefit to the publick interests, I am to request that with your earliest conveniency, you will proceed to Boston.

The principal object that I recommend to your attention, is the endeavour to obtain the most accurate information of the true state of affairs in that part of the Union, which from its wealth, the number of its inhabitants, and the known intelligence and ability of several of its leading men, must naturally possess a very considerable influence over, and will indeed probably lead the other eastern states of America in the part that they may take at this important crisis.

I shall not pretend to point out to you the mode by which you will be most likely to obtain this important information; your own judgment, and the connections which you may have in the town, must be your guide. I think it however necessary to put you on your guard against the sanguineness of an aspiring party; the federalists as I understand, have at all times discovered a leaning to this disposition, and their being under its particular influence at this moment, is the more to be expected from their having no ill founded ground for their hopes of being *nearer the attainment of their object* than they have been for some years past.

In the general terms which I have made use of in describing the object which I recommend to your attention, it is scarcely necessary that I should observe, I include the state of the publick opinions, both with regard to their internal politicks, and to the probability of a war with

England; the comparative strength of the two great parties into which the country is divided, and the views and designs of that which may ultimately prevail.

It has been supposed that if the federalists of the eastern states should be successful in obtaining that decided influence, which may enable them to direct the publick opinion, it is not improbable that rather than submit to a continuance of the difficulties and distress to which they are now subject, they will exert that influence to bring about a separation from the general union. The earliest information on this subject may be of great consequence to our government, as it may also be, that it should be informed, *how far in such an event they would look up to England for assistance or be disposed to enter into a connection with us.*

Although it would be highly inexpedient that you should in any manner appear as an avowed agent, yet if you could contrive to obtain an intimacy with any of the leading party, it may not be improper that you should insinuate, though with great caution, that *if they should wish to enter into any communication with our government through me, you are authorized to receive any such, and will safely transmit it to me;* and as it may not be impossible that they should require some document by which they may be assured that you are really in the situation in which you represent yourself, I enclose a credential to be produced in that view; but I most particularly enjoin and direct that you do not make any use of this paper, unless a desire to that purpose should be expressed, and *unless you see good ground for expecting that the doing so may lead to a more confidential communication than you can otherwise look for.*

In passing through the state of Vermont, you will of course exert your endeavours to procure all the information that the short stay you will probably make there will admit of. You will use your own discretion as to delaying your journey, with this view, more or less in proportion

to your prospects of obtaining any information of consequence.

I request to hear from you as frequently as possible ; and as letters directed to me might excite suspicion, it may be as well, that you put them under cover to Mr. ————, and as even the addressing letters always to the same person might attract notice, I recommend your sometimes addressing your packet to the chief justice here, or occasionally, though seldom, to Mr. Ryland, but never with the addition of his official description.

I am, &c. (Signed)

J. H. CRAIG.

No. III.

Copy of the "Credential" given by Sir James Craig to Mr. Henry.

[SEAL.]

THE bearer, Mr. John Henry, is employed by me, and full confidence may be placed in him for any communication which any person may wish to make to me, *in the business committed to him.* In faith of which, I have given him this under my hand and seal at Quebec, this 6th day of February, 1809.

(Signed) J. H. CRAIG.

No. IV.

COPIES OF THE LETTERS FROM MR. HENRY TO SIR JAMES CRAIG, RELATING TO HIS MISSION TO THE UNITED STATES, IN THE YEAR 1809.

No. 1.

Answer to the Letter of Mr. Secretary Ryland, proposing the mission, &c.

MONTREAL, JANUARY 31, 1809.

SIR,

I HAVE to acknowledge the favour of your letter, of the 26th inst. written by the desire of his excellency, the governour in chief ; and hasten to express through you to his excellency, my readiness to comply with his wishes.

I need not add how very flattering it is to receive from his excellency, the assurance of the approbation of his majesty's secretary of state, for the very humble services that I may have rendered.

If the nature of the service in which I am to be engaged, will require no other disbursements than for my individual expenses, I do not apprehend that these can exceed my private resources.

I shall be ready to take my departure before my instructions can be made out. I have the honour, &c.

J. H.

No. 2.

To his Excellency the Governour General, &c. in answer to his letter of instructions, &c. &c.

MONTREAL, FEBRUARY 10, 1809.

SIR,

I HAVE the honour to acknowledge the receipt of your excellency's letter of instructions, the letter of credence, and the cypher for carrying on my correspondence. I have bestowed much pains upon the cypher, and am, notwithstanding this, deficient in some point, which might enable me to understand it clearly. I have compared the example with my own exemplification of the cypher, and find a difference in the results; and as the present moment seems favourable to the interference of his majesty's government, in the measures pursued by the federal party in the northern states, and more especially as the assembly of Massachusetts is now in session, I think it better to set forward immediately, than wait for any farther explanation of the means of carrying on a secret correspondence, which the frequency of safe private conveyances to Canada will render almost wholly unnecessary. Should it, however, be necessary at any time, I take leave to suggest that the index alone furnishes a very safe and simple mode. In it, there is a number for every letter in the alphabet, and particular numbers for particular phrases; so that when I do not find in the index the particular word I want,

I can spell it with the figures which stand opposite to the letters. For example, if I want to say that "troops are at Albany," I find under the letter "T," that number 16 stands for "troops," and number 125 for "Albany." The intervening words "*are at*" I supply by figures corresponding with the letters in these words.

It will be necessary to provide against accident, by addressing the letters to Mr. —, of Montreal, with a small mark on the corner of the envelop, which he will understand. When he receives it, he will then address the enclosure to your excellency, and send it from Montreal by mail. I will be careful not to address your excellency in the body of the letter, nor sign my name to any of them. They will be merely designated by the initials A. B.

If this mode should in any respect appear exceptionable, your excellency will have the goodness to order a more particular explanation of the card. It would reach me in safety enclosed to — Boston. I have the honour, &c.

J. H.

No. 3.

BURLINGTON, VERMONT, FEB. 14, 1809.

SIR,

I HAVE remained here two days, in order fully to ascertain the progress of the arrangements heretofore made, for organizing an efficient opposition to the general government, as well to become acquainted with the opinions of the leading people, relative to the measures of that party which has the ascendant in the national councils.

On the subject of the embargo laws, there seems to be but one opinion: namely, that they are unnecessary, oppressive, and unconstitutional. It must also be observed, that the execution of them is so invidious, as to attract towards the officers of government, the enmity of the people; which is, of course, transferable to the government itself; so that, in case the state of Massachusetts should take any bold step towards resisting the execution of these laws, it is highly probable, that it may calculate upon the hearty co-operation of the people of Vermont.

I learn that the governour of this state is now visiting the towns in the northern section of it; and makes no secret of his determination, as commander in chief of the militia, to refuse obedience to any command from the general government, which can tend to interrupt the good understanding that prevails between the citizens of Vermont and his majesty's subjects in Canada. It is farther intimated, that in case of a war, he will use his influence to preserve this state *neutral*, and resist, with all the force he can command, any attempt to make it a party. I need not add, that, if these resolutions are carried into effect, the state of Vermont may be considered as an ally of Great Britain.

To what extent the sentiments which prevail in this quarter, exist in the neighbouring states, or even in the eastern section of this state, I am not able to conjecture. I only can say, with certainty, that the leading men of the federal party act in concert; and, therefore infer, that a common sentiment pervades the whole body, throughout New England.

I have seen a letter from a gentleman now at Washington, to his correspondent in this place: and as its contents may serve to throw some light on passing events there, I shall send either the original or a copy with this despatch. The writer of the letter is a man of character and veracity; and whether competent or not to form correct opinions himself, is probably within the reach of all the knowledge that can be obtained by the party to which he belongs.

It appears by his statement that there is a very formidable majority in Congress on the side of the administration; notwithstanding which, there is every reason to hope that the northern states, in their distinct capacity, will unite and resist by force, a war with Great Britain. In what mode this resistance will first show itself, is probably not yet determined upon; and may, in some measure, depend upon the reliance that the leading men may place upon assurances of support from his majesty's representative in Canada; and as I shall be on the spot to tender this whenever the moment arrives that it can be done with

effect, there is no doubt that all their measures may be made subordinate to the intentions of his majesty's government. Great pains are taken by the men of talents and intelligence to confirm the fears of the common people, as to the concurrence of the southern democrats in the projects of France; and every thing tends to encourage the belief, that the dissolution of the confederacy will be accelerated by the spirit which now actuates both political parties. I am, &c. A. B.

No. 4.

WINDSOR, VERMONT, FEB. 19, 1809.

SIR,

MY last (No. 3) was written at Burlington, the principal town in the northern part of the state of Vermont. I am now at the principal town in the eastern section.

The fallacy of men's opinions, when they act under the influence of sensibility and are strongly excited by those hopes which always animate a rising party, led me to doubt the correctness of opinions which I received in the northern section of this state; which, from its contiguity to Canada and necessary intercourse with Montreal, has a stronger interest in promoting a good understanding with his majesty's government: therefore, since my departure from Burlington, I have sought every favourable occasion of conversing with the democrats on the probable result of the policy adopted by the general government. The difference of opinion is thus expressed:

The federal party declare that, in the event of a war, the state of Vermont will treat separately for itself with G. Britain, and support, to the utmost, the stipulations into which it may enter without any regard to the policy of the general government. The democrats, on the other hand, assert that, in such a case as that contemplated, the people would be nearly divided into equal numbers; one of which would support the government, if it could be done without involving the people in a civil war, but, at all events, would risk every thing in preference to a coalition with Great Britain.

This difference of opinion is not to be wholly ascribed to the prejudices of party. The people in the eastern section of Vermont, are not operated upon by the same hopes and fears as those on the borders of the British colony. They are not dependent on Montreal for the sale of their produce, nor the supply of foreign commodities. They are not apprehensive of any serious dangers or inconvenience from a state of war; and although they admit that the governour, council, and three-fourths of the representation in Congress are of the federal party, yet they do not believe that the state would stand alone and resist the national government. They do not, however, deny that should the state of Vermont continue to be represented as it is at present, it would, in all probability, unite with the neighbouring states in any serious plan of resistance to a war, which it might seem expedient to adopt. This, I think, is the safer opinion for you to rely on, if, indeed, reliance ought to be placed on any measure depending upon the will of the rabble, which is ever changing, and must ever be marked with ignorance, caprice, and inconstancy. As the crisis approaches, the difficulty of deciding upon an hazardous alternative will increase; and, unfortunately, there is not in Vermont any man of commanding talents, capable of attracting *general confidence*, of infusing into the people his own spirit, and amidst the confusion of conflicting opinions, dangers and commotion, competent to lead in the path of duty or safety. The governour is an industrious, prudent man, and has more personal influence than any other: but his abilities are not suited to the situation in which a civil war would place him.

I am, &c. A. B.

No. 5.

AMHERST, N. HAMP. FEB. 23, 1809.

SIR,

A GENTLEMAN going direct to Canada, affords a safe and favourable opportunity of giving you some further account of my progress.

I will not make use of the post offices when I can avoid it ; because private occasions supersede the necessity of writing in cypher, and the contempt of decency and principle, which forms part of the morals of the subaltern officers of a democracy, would incline them to break a seal with the same indifference that they break their words, when either curiosity or interest is to be indulged.

I have not had sufficient time nor evidence to enable me *to form any opinion for myself* of the lengths to which the federal party will carry their opposition to the national government, in the event of a war. Much may be inferred from the result of the elections of governours which, within two months, will be made in the states of Massachusetts, New Hampshire, and Rhode Island. From all I know and all I can learn of the general government, I am not apprehensive of an immediate war. The embargo is the favourite measure ; and it is probable that other means will be employed to excite England to commit some act of hostility, for the sole purpose of placing the responsibility of war on that country : this I most particularly recommend to the consideration of ministers. The dread of opposition and of the loss of popularity, will certainly keep the ruling party at Washington inactive. They will risk any thing but the loss of power ; and they are well aware that their power would pass away with the first calamity which their measures might bring upon the common people ; (from whom that power emanates) unless, indeed, they could find a sufficient excuse in the conduct of Great Britain. This impression cannot be too deeply felt by his majesty's ministers ; nor too widely spread throughout the British nation. It will furnish a sure guide in every policy that may be adopted towards the United States.

I have the honour to be, &c. *James M. Smith* A. B.

No. 6.

BOSTON, MARCH 5, 1809.

SIR,

I AM favoured with another opportunity of writing to you by a private conveyance, and think it probable, at this

season, that the frequency of these will render it unnecessary to write to you in cypher.

It does not yet appear necessary that I should discover to any person the purpose of my visit to Boston; nor is it probable that I shall be compelled, for the sake of gaining more knowledge of the arrangements of the federal party in these states, to avow myself as a regular authorized agent of the British government, even to those individuals who would feel equally bound with myself to preserve, with the utmost inscrutability, so important a secret from the publick eye. *I have sufficient means of information to enable me to judge of the proper period for offering the co-operation of Great Britain, and opening a correspondence between the governour general of British America and those individuals who, from the part they take in the opposition to the national government, or the influence they may possess in any new order of things that may grow out of the present differences, should be qualified to act on behalf of the northern states.* An apprehension of any such state of things as is pre-supposed by these remarks begins to subside, since it has appeared by the conduct of the general government that it is seriously alarmed at the menacing attitude of the northern states. But although it is believed that there is no probability of an immediate war, yet no doubts are entertained that Mr. Madison will fall upon some new expedient to bring about hostilities. What these may be can only be deduced from what appears to be practicable. A *non-intercourse* with England and France will probably supersede the embargo; which, by opening with the rest of Europe a partial legitimate commerce, and affording strong temptations to that which is illegal, will expose the vessels to capture, detention and embarrassment; will justify the present policy, and produce such a degree of irritation and resentment, as will enable the government of this country to throw the whole blame and responsibility of war from its own shoulders upon those of the British ministry. If in this the party attached to France should calculate with correctness, and

the commerce of New England should greatly suffer, the merchants being injured and discouraged, would not only acquiesce in the restrictive system, but even submit to war. On the other hand, should the small traffick permitted by a non-intercourse law be lucrative and uninterrupted, the people would be clamorous for more, and soon compel the government to restore the friendly relations between the two countries.

While I offer my opinion upon this subject, I cannot but express a strong hope, that if any terms should be proposed by either government to which the other might think proper to accede, that a principal motive to the adjustment of differences, should be understood to arise from the amicable disposition of the eastern states, particularly of the state of Massachusetts. This, as it would increase the popularity of the friends of Great Britain, could not fail to promote her interests. If it could not be done formally and officially nor in a correspondence between ministers, still, perhaps, the administration in the parliament of Great Britain, might take that ground, and the suggestion would find its way into the papers both in England and America.

It cannot be too frequently repeated, that this country can only be governed and directed by the influence of opinion: as there is nothing permanent in its political institutions, nor are the populace under any circumstances to be relied on, when measures become inconvenient and burdensome. I will soon write again; and am yours, &c.

A. B.

No. 7.

[In cypher.]

BOSTON, MARCH 7, 1809.

SIR,

I HAVE now ascertained with as much accuracy as possible, the course intended to be pursued by the party in Massachusetts that is opposed to the measures and politicks of the administration of the general government.

I have already given a decided opinion that a declaration of war is not to be expected: but, contrary to all reasonable calculation, should the Congress possess spirit and independence enough, to place their popularity in jeopardy by so strong a measure, the legislature of Massachusetts will give the tone to the neighbouring states; will declare itself permanent, until a new election of members; invite a congress to be composed of delegates from the federal states, and erect a separate government for their common defence and common interest. This congress would probably begin by abrogating the offensive laws and adopting a plan for the maintenance of the power and authority thus assumed. They would, by such an act, be in a condition to make or receive proposals from Great Britain; and I should seize the first moment to open a correspondence with your excellency. Scarce any other aid would be necessary, and perhaps none required than a few vessels of war, from the Halifax station, to protect the maritime towns from the little navy which is at the disposal of the national government. What permanent connection between Great Britain and this section of the republick would grow out of a civil commotion, such as might be expected, no person is prepared to describe; but it seems that a strict alliance must result of necessity. At present, the opposition party confine their calculations merely to resistance; and I can assure you that, at this moment, they do not freely entertain the project of withdrawing the eastern states from the Union, finding it a very unpopular topick; although a course of events, such as I have already mentioned, would inevitably produce an incurable alienation of the New England from the southern states.

The truth is, the common people have so long regarded the constitution of the United States with complacency, that they are now only disposed in this quarter to treat it like a truant mistress, whom they would for a time put away on a separate maintenance, but without further and greater provocation would not absolutely repudiate.

It will soon be known in what situation publick affairs are to remain, until the meeting of the new Congress in May ; at which time also this legislature will again assemble. The two months that intervene will be a period of much anxiety.

In all I have written I have been careful not to make any impression, analogous to the enthusiastick confidence, entertained by the opposition, nor to the hopes and expectations that animate the friends of an alliance between the northern states and Great Britain.

I have abstracted myself from all the sympathies these are calculated to inspire : because, notwithstanding that I feel the utmost confidence in the integrity of intention of the leading characters in this political drama, I cannot forget that they derive their power from a giddy inconstant multitude ; who, unless, in the instance under consideration, they form an exception to all general rules and experience, will act inconsistently and absurdly.

I am yours, &c. A. B.

No. 8.

BOSTON, MARCH 9, 1809.

SIR,

IN my letter, No. 6, I took the liberty to express my opinion of the probable effect of the non-intercourse law, intended to be enacted ; and of the mode by which Great Britain may defeat the real intention of the American government in passing it. But as the sort of impunity recommended, might, in its application to every species of commerce that would be carried on, be deemed by Great Britain a greater evil than war itself, a middle course might easily be adopted, which would deprive France of the benefits resulting from an intercourse with America, without in any great degree irritating the maritime states.

The high price of all American produce in France, furnishes a temptation which mercantile avarice will be unable to resist. The consequence is obvious. But if instead of

condemning the vessels and cargoes which may be arrested in pursuing this prohibited commerce, they should be compelled to go into a British port, and there permitted to sell them, I think the friends of England in these states would not utter a complaint. Indeed I have no doubt, that if, in the prosecution of a lawful voyage, the British cruisers should treat the American ships in this manner, their owners would, in the present state of the European markets, think themselves very fortunate; as it would save them the trouble and expense of landing them in a neutral port, and from thence, re-shipping them to England, now the best market in Europe, for the produce of this country. The government of the United States would probably complain, and Bonaparte become peremptory; but even that would only tend to render the opposition in the northern states more resolute, and accelerate the dissolution of the confederacy. The generosity and justice of Great Britain would be extolled, and the commercial states exult in the success of individuals over a government, inimical to commerce, and to whose measures they can no longer submit with patient acquiescence. The elections are begun; and I presume no vigilance or industry will be remitted to ensure the success of the federal party.

I am, &c. *Wm. Lloyd Garrison* A. B.

P. S. Intelligence has reached Boston that a non-intercourse law has actually passed, and that Martinique has surrendered to the British forces.

No. 9.

BOSTON, MARCH 13, 1809.

SIR,

You will perceive from the accounts that will reach you in the publick papers, both from Washington and Massachusetts, that the federalists of the northern states, have succeeded in making the Congress believe, that with such an opposition as they would make to the general government, a war must be confined to their own territory, and

might be even too much for that government to sustain. The consequence is, that after all the parade and menaces with which the session commenced, it has been suffered to end without carrying into effect any of the plans of the administration, except the interdiction of commercial intercourse with England and France; an event that was anticipated in my former letters.

Under what new circumstances the Congress will meet in May, will depend on the state elections, and the changes that may in the mean time take place in Europe. With regard to Great Britain, she can scarce mistake her true policy in relation to America. If peace be the first object, every act which can irritate the maritime states ought to be avoided; because the prevailing disposition of these will generally be sufficient to keep the government from hazarding any hostile measure. If a war between America and France be the grand desideratum, something more must be done: an indulgent and conciliatory policy must be adopted, which will leave the democrats without a pretext for hostilities; and Bonaparte, whose passions are too hot for delay, will probably compel this government to decide, which of the two great belligerents is to be its enemy. To bring about a separation of the states, under distinct and independent governments, is an affair of more uncertainty; and however desirable, cannot be effected but by a series of acts and a long continued policy, tending to irritate the southern and conciliate the northern people. The former are an agricultural, the latter a commercial people. The mode of cherishing and depressing either is too obvious to require illustration. This I am aware is an object of much interest in Great Britain; as it would forever secure the integrity of his majesty's possessions on this continent; and make the two governments, or whatever number the present confederacy might form into, as useful and as much subject to the influence of Great Britain, as her colonies can be rendered. But it is an object only to be attained by slow and circumspect progression; and requires for its consummation more attention to the

affairs which agitate and excite parties in this country, than Great Britain has yet bestowed upon it.

An unpopular war, that is a war produced by the hatred and prejudices of one party, but against the consent of the other party, can alone produce a sudden separation of any section of this country from the common head.

At all events it cannot be necessary to the preservation of peace, that Great Britain should make any great concession at the present moment; more especially as the more important changes that occur in Europe, might render it inconvenient for her to adhere to any stipulations in favour of neutral maritime nations.

Although the non-intercourse law affords but a very partial relief to the people of this country, from the evils of that entire suspension of commerce to which they have reluctantly submitted for some time past, I lament the repeal of the embargo, because it was calculated to accelerate the progress of these states towards a revolution that would have put an end to the only republick that remains to prove, that a government founded on political equality, can exist in a season of trial and difficulty, or is calculated to ensure either security or happiness to a people. I am, &c.

A. B.

No. 10.

BOSTON, MARCH 29, 1809.

SIR,

SINCE my letter of the 13th, nothing has occurred which I thought worthy of a communication.

The last weeks of this month, and the first of April, will be occupied in the election of governours and other executive officers in the New England states.

The federal candidate in New Hampshire is already elected by a majority of about one thousand votes. His competitor was a man of large fortune, extensive connections and inoffensive manners. These account for the smallness of the majority.

In Connecticut no change is necessary, and none is to be apprehended.

In Rhode Island it is of no consequence of what party the governour is a member; as he has neither will nor military power, being merely president of the council.

In Massachusetts it is certain that the federal candidate will succeed.

A few weeks will be sufficient in order to determine the relative strength of parties, and convince Mr. Madison that a war with Great Britain is not a measure upon which he dare venture. Since the plan of an organized opposition to the projects of Mr. Jefferson was put into operation, the whole of the New England states have transferred their political power to his political enemies; and the reason that he has still so many adherents is, that those who consider the only true policy of America to consist in the cultivation of peace, have still great confidence, that nothing can force him (or his successor, who acts up to his system or rather is governed by it) to consent to war. They consider all the menaces and "dreadful note of preparation" to be a mere finesse, intended only to obtain concessions from England on cheap terms. From every sort of evidence, I confess I am myself of the same opinion; and am fully persuaded that this farce, which has been acting at Washington, will terminate in a full proof of the imbecility and spiritless temper of the actors. A war attempted without the concurrence of both parties, and the general consent of the northern states, which constitute the bone and muscle of the country, must commence without hope, and end in disgrace. It should therefore be the peculiar care of Great Britain to foster divisions between the north and south; and by succeeding in this, she may carry into effect her own projects in Europe, with a total disregard of the resentments of the democrats of this country. I am, &c. A. B.

No. 11.

BOSTON, APRIL 13, 1809.

SIR,

I SEND to Mr. R. a pamphlet, entitled "Suppressed Documents." The notes and comments were written by the

gentleman who has written the Analysis, which I sent by a former conveyance. These works have greatly contributed to excite the fears of the men of talents and property; who now *prefer the chance of maintaining their party by open resistance, and a final separation*, to an alliance with France, and a war with England. So that, should the government unexpectedly, and contrary to all reasonable calculation, attempt to involve the country in a measure of that nature, I am convinced (now that the elections have all terminated favourably,) that none of the New England states would be a party in it. But as I have repeatedly written, the general government does not seriously entertain any such desire or intention. Had the majority in the New England states continued to approve of the publick measures, it is extremely probable that Great Britain would now have to choose between war and concession. But the aspect of things in this respect, is changed; and a war would produce an incurable alienation of the eastern states, and bring the whole country in subordination to the interests of England, whose navy would prescribe and enforce the terms upon which the commercial states should carry, and the agricultural states export their surplus produce. All this is as well known to the democrats as to the other party; therefore, they will avoid a war, at least, until the whole nation is unanimous for it. Still, when we consider of what materials the government is formed, it is impossible to speak with any certainty of their measures. The past administration, in every transaction, presents to the mind only a muddy commixture of folly, weakness and duplicity. The spell by which the nations of Europe has been rendered inert and inefficient, when they attempted to shake it off, has stretched its shadows across the Atlantic, and made a majority of the people of these states alike blind to duty and to their true interests. I am, &c.

A. B.

No. 12.

BOSTON, APRIL 26, 1809.

SIR,

SINCE my letter No. 11, I have had but little to communicate.

I have not yet been able to ascertain with sufficient accuracy, the relative strength of the two parties in the legislative bodies in New England.

In all of these states, however, governours have been elected out of the federal party; and even the southern papers indicate an unexpected augmentation of federal members in the next Congress.

The correspondence between Mr. Erskine and the Secretary of State, at Washington, you will have seen before this can reach your. It has given much satisfaction to the federal party here, because it promises an exemption from the evil they most feared, (a war with England) and justifies their partiality towards Great Britain; which they maintain, was founded upon a full conviction of her justice, and sincere disposition to preserve peace. Even the democrats affect to be satisfied with it; because, as they insist, it proves the efficacy of the restrictive system of Mr. Jefferson.

But the great benefit that will probably result from it, will be, that Bonaparte may be induced to force this country from her neutral position. Baffled in his attempts to exclude from the continent the manufactures of Great Britain, he will, most likely confiscate all American property in his dominions and dependencies, and declare war. Nothing could more than this contribute to give influence and stability to the British party. The invidious occurrences of the rebellion would be forgotten in the resentment of the people against France; and they would soon be weaned from that attachment to her, which is founded on the aid that was rendered to separate from the mother country. While Great Britain waits for this natural, I might say necessary result of the negotiation, would it not

be extremely inexpedient to conclude a treaty with the American government. Every sort of evidence and experience prove, that the democrats consider their political ascendancy in a great measure dependent on the hostile spirit that they can keep alive towards Great Britain; and recent events demonstrate, that their conduct will be predicated upon that conviction; it is, therefore, not to be expected that they will meet with corresponding feelings, a sincere disposition on the part of England to adjust all matters in dispute. They are at heart mortified and disappointed, to find that Great Britain has been in advance of the French government, in taking advantage of the provisional clauses of the non-intercourse law; and if they show any spirit at the next session of Congress towards France, it will be only because they will find Bonaparte deaf to entreaty and insensible of past favours; or that they may think it safer to float with the tide of public feeling, which will set strongly against him, unless he keep *pari passu* with England, in a conciliatory policy.

I am, &c. A. B.

No. 13.

BOSTON, MAY 5, 1809.

SIR,

ALTHOUGH the recent changes that have occurred quiet all apprehension of war, and consequently *lessen all hope of a separation of the states*, I think it necessary to transmit by the mail of each week, a sketch of passing events.

On local politicks I have nothing to add; and as the parade that is made in the National Intelligencer, of the sincere disposition of Mr. Madison to preserve amicable relations with Great Britain, is, in my opinion, calculated to awaken vigilance and distrust, rather than inspire confidence, I shall, (having nothing more important to write about) take leave to examine his motives. I am not surprised at his conditional removal of the non-intercourse law with respect to G. Britain; because it was made incumbent on him by the act of Congress: But the observations made on his friendly disposition towards Great Britain, is a matter of

no little astonishment. The whole tenour of his political life, directly, and unequivocally, contradicts them: His speech on the British treaty in '99: His attempt to pass a law for the confiscation of "British debts" and British property: His commercial resolutions, grounded apparently on an idea of making America useful as a colony to France: His conduct while Secretary of State; all, form an assemblage of probabilities, tending to convince me, at least, that he does not seriously desire a treaty, in which the rights and pretensions of Great Britain would be fairly recognised. It seems impossible that he should at once divest himself of his habitual animosity and that pride of opinion, which his present situation enables him to indulge; but above all, that he should deprive his friends and supporters of the benefit of those prejudices which have been carefully fostered in the minds of the common people towards England, and which have so materially contributed to invigorate and augment the democratick party. Whatever his real motives may be, it is in this stage of the affair, harmless enough to inquire into the cause of the apparent change. He probably acts under a conviction, that in the present temper of the eastern states a war could not fail to produce a dissolution of the Union; or he may have profited by the mistakes of his predecessor, and is inclined to seize the present opportunity to prove to the world that he is determined to be the President of a nation, rather than the head of a faction; or he has probably gone thus far to remove the impression on the mind of many, that he was under the influence of France in order that he may, with a better grace, and on more tenable grounds, quarrel with Great Britain, in the progress of negotiating a treaty. Whatever his motives may be, I am very certain his party will not support him in any manly and generous policy. Weak men are sure to temporize when great events call upon them for decision, and are sluggish and inert at the moment when the worst of evils is inaction. This is the character of the democrats in the northern states. Of those of the south I know but little.

I am, &c. A. B.

No. 14.

BOSTON, MAY 25, 1809.

SIR,

MY last was under date of the 5th instant. The unexpected change that has taken place in the feelings of political men in this country, in consequence of Mr. Madison's prompt acceptance of the friendly proposals of Great Britain, has caused a temporary suspension of the conflict of parties, and they both regard him with equal wonder and distrust. They all ascribe his conduct to various motives, but none believe him to be in earnest.

The state of New York has returned to the assembly a majority of federal members. All this proves, that an anti-commercial faction cannot rule the northern states. Two months ago the state of New York was not ranked among the states that would adopt the policy of that of Massachusetts; and any favourable change was exceedingly problematical.

I beg leave to suggest, that in the present state of things in this country, my presence can contribute very little to the interests of Great Britain. If Mr. Erskine be sanctioned in all he has conceded, by his majesty's ministers, it is unnecessary for me, as indeed it would be unavailing, to make any attempt to carry into effect the original purposes of my mission. While I think it to be my duty to give this intimation to you, I beg it may be understood that I consider myself entirely at the disposal of his majesty's government; and am, &c. A. B.

No. 15.

MONTREAL, JUNE 12, 1809.

SIR,

I HAVE the honour to inform your excellency, that I received through Mr. Secretary Ryland your excellency's commands to return to Canada; and after the delays incident to this season of the year in a journey from Boston, arrived here yesterday.

Your excellency will have seen by the papers of the latest dates from the United States, that a formidable opposition is already organized in Congress to the late measures of Mr. Madison ; and it is very evident, that if he be sincere in his professions of attachment to Great Britain, his party will abandon him. Sixty-one members have already voted against a resolution to approve of what he has done ; and I have no doubt the rest of the democratick party will follow the example as soon as they recover from the astonishment into which his apparent defection has thrown them.

The present hopes of the federalists are founded on the probability of a war with France ; but at all events this party is strong and well organized enough to prevent a war with England.

It would be now superfluous to trouble your excellency with an account of the nature and extent of the arrangements made by the federal party, to resist any attempt of the government unfavourable to Great Britain. They were such as do great credit to their ability and principles ; and while a judicious policy is observed by Great Britain, secure her interests in America from decay. My fear of inducing a false security on the part of his majesty's government in their efficiency, and eventual success, may have inclined me to refrain from doing them that justice in my former letters, which I willingly take the present occasion to express.

I trust your excellency will ascribe the style and manner of my communications, and the frequent ambiguities introduced in them, as arising from the secrecy necessary to be observed, and my consciousness that you understood my meaning on the most delicate points, without risking a particular explanation.

I lament that no occasion commensurate to my wishes, has permitted me to prove how much I value the confidence of your excellency, and the approbation already expressed by his majesty's minister. I have the honour to be, &c.

I CERTIFY, that the foregoing letters are the same referred to in the letter of H. W. Ryland, Esq. dated May 1st, 1809, relating to the mission in which I was employed by Sir James Craig, by his letter of instructions, bearing date February 6, 1809.

(Signed) JOHN HENRY.

No. V.

[COPY.]

Mr. Ryland to Mr. Henry.

QUEBEC, MAY 1, 1809.

MY DEAR SIR,

THE news we have received this day from the States, will, I imagine, soon bring you back to us, and if you arrive at Montreal by the middle of June, I shall probably have the pleasure of meeting you there, as I am going up with Sir James and a large suite. The last letters received from you are to the 13th April; the whole are now transcribing for the purpose of being sent home, where *they cannot fail of doing you great credit, and I most certainly hope they may eventually contribute to your permanent advantage.* It is not necessary to repeat the assurance that no effort within the compass of my power shall be wanting to this end.

I am cruelly out of spirits at the idea of old England truckling to such a debased, and accursed government, as that of the United States.

I am greatly obliged to you for the trouble you have taken, in procuring the books, though, if Spain fails, I shall scarcely have heart to look into them. I can add no more now, but that I am, most heartily, and affectionately, yours, H. W. R.

[COPY.]

Mr. Ryland to Mr. Henry.

MAY 4, 1809.

MY DEAR SIR,

YOU must consider the short letter I wrote to you by the last post as altogether unofficial; but I am now to inti-

mate to you, in a more formal manner, our hope of your speedy return ; as the object of your journey seems, for the present, at least, to be at an end. We have London news, by the way of the river, up to the 6th March, which tallies to a day with what we have received by the way of the States. Heartily wishing you a safe and speedy journey back to us, I am, my dear sir, most sincerely, yours,

H. W. R.

Have the goodness to bring my books with you, though I shall have little spirit to look into them unless you bring good news from Spain.

[COPY.] No. VI.

Mr. Henry's Memorial to Lord Liverpool, enclosed in a Letter to Mr. Peel, of the 13th June, with a copy of that Letter.

THE undersigned most respectfully submits the following statement and memorial to the earl of Liverpool;

Long before, and during the administration of your lordship's predecessor, the undersigned bestowed much personal attention to the state of parties, and to the political measures in the United States of America * *

* * * * *

Soon after the affair of the Chesapeake frigate, when his majesty's governour general of British America, had reason to believe that the two countries would be involved in a war, and had submitted to his majesty's ministers the arrangements of the English party in the United States, for an efficient resistance to the general government, which would probably terminate in a separation of the northern states from the general confederacy, he applied to the undersigned to undertake a mission to Boston, where the whole concerns of the opposition were managed. The object of the mission was, to promote and encourage the federal party to resist the measures of the general government; to offer assurances of aid and support from his majesty's

government of Canada ; and to open a communication between the leading men engaged in that opposition and the governour general, upon such a footing as circumstances might suggest ; and finally, to render the plans then in contemplation, subservient to the views of his majesty's government.†

The undersigned undertook the mission, which lasted from the month of January to the month of June, inclusive, during which period * * * * *

* * * * * those publick acts and legislative resolutions of the assemblies of Massachusetts and Connecticut were passed, which kept the general government of the United States in check, and deterred it from carrying into execution the measures of hostility with which Great Britain was menaced.

For his services on the occasions herein recited, and the loss of time, and expenses incurred, the undersigned neither sought nor received any compensation, but trusted to the known justice and liberality of his majesty's government, for the reward of services which could not, he humbly conceives, be estimated in pounds, shillings and pence. On the patronage and support which was promised in the letter of sir J. Craig, under date of the 26th January, 1809, (wherein he gives an assurance "that the former correspondence and political information transmitted by the undersigned, had met with the particular approbation of his majesty's secretary of state ; and that his execution of the mission (proposed to be undertaken in that letter) would give him a claim not only on the governour general but on his majesty's ministers,") the undersigned has relied ; and now most respectfully claims, in whatever mode the earl of Liverpool may be pleased to adopt.

The undersigned most respectfully takes this occasion to state, that sir J. Craig promised him an employment in Canada, worth upwards of one thousand pounds a year, by his letter (herewith transmitted) under date, September

† Vide the despatches of Sir J. Craig in June, 1808.

13, 1809, which he has just learned has, in consequence of his absence, been given to another person. The undersigned abstains from commenting on this transaction; and most respectfully suggests that the appointment of judge advocate general of the province of Lower Canada, with a salary of five hundred pounds a year, or a consulate in the United States sine curia would be considered by him as a liberal discharge of any obligation that his majesty's government may entertain in relation to his services.

Copy of a Letter to Mr. Peel, enclosing the foregoing.

SIR,

I TAKE leave to enclose to you a memorial addressed to the earl of Liverpool, and beg you will have the goodness either to examine the documents in your office or those in my own possession, touching the extent and legitimacy of my claim.

Mr. Ryland, the secretary of sir J. Craig, is now in London, and from his official knowledge of the transactions and facts, alluded to in the memorial, can give any information required on that subject. I have the honour, &c.

(Signed) J. H.

June 13, 1811.

[COPY.] No. VII.

*Mr. Peel, Secretary to Lord Liverpool, to Mr. Henry,
dated Downing Street, June 28, 1811.*

SIR,

I HAVE not failed to lay before the earl of Liverpool the memorial, together with its several enclosures, which was delivered to me a few days since by general Loft, at your desire.

His lordship has directed me to acquaint you, that he has referred to the correspondence in this office of the year 1808, and finds two letters from sir James Craig, dated April 10, and May 5, transmitting the correspondence that has passed during your residence in the nor-

thern states of America, and expressing his confidence in your ability and judgment; but lord Liverpool has not discovered any wish on the part of sir James Craig, that your claims for compensation should be referred to this country, nor indeed is allusion made to any kind of arrangement or agreement, that had been made by that officer with you.

Under these circumstances, and had not sir James Craig determined on his immediate return to England, it would have been lord Liverpool's wish to have referred your memorial to him, as being better enabled to appreciate the ability and success with which you executed a mission undertaken at his desire. Lord Liverpool will however transmit it to sir James Craig's successor in the government, with an assurance, that from the recommendations he has received in your favour, and the opinion he has formed on your correspondence, he is convinced the publick service will be benefitted by your active employment in a publick situation.

Lord Liverpool will also feel himself bound to give the same assurance to the marquis Wellesley, if there is any probability that it will advance the success of the application which you have made to his lordship. I am, &c.

(Signed)

ROBERT PEEL.

J. HENRY, Esq. 27, Leicester Square.

No. VIII.

No other answer than a despatch to sir George Prevost, and the letter marked B.

[COPY.]

Mr. Henry to Mr. Peel.

27, LEICESTER SQUARE. LONDON, SEPT. 4, 1811.

SIR,

I HAVE just now learned the ultimate decision of my lord Wellesley, relative to the appointment which I was desirous to obtain, and find that the subsisting relations

between the two countries forbid the creating a new office in the United States, such as I was solicitous to obtain. In this state of things, I have not a moment to lose in returning to Canada, and have taken my passage in the last and only ship that sails for Quebec this season. As I have not time to enter *de novo* into explanations with the gentleman who is in your office; and as I have received assurances from you, in addition to the letter of my lord Liverpool, of the 27th of June, that "his lordship would recommend me to the governour of Canada, for the first vacant situation that I would accept," I beg the favour of you, to advise me how I am to get that recommendation, without loss of time. I have the honour, &c.

J. H.

[COPY.] B. No. IX.

Copy of the Letter written by Lord Liverpool to Sir George Prevost, furnished to Mr. Henry by the under Sec. of State—original in the despatch to the Governour General, dated Downing Street, Sept. 16, 1811.

SIR,

MR. HENRY, who will have the honour of delivering this letter, is the gentleman who addressed to me the memorial, a copy of which I herewith transmit, and to whom the accompanying letter from Mr. Peel was written by my direction.

In compliance with his request, I now fulfil the assurance which I have given, of stating to you my opinion of the ability and judgment which Mr. Henry has manifested on the occasions mentioned in his memorial, and of the benefit the publick service might derive from his active employment in any publick situation, in which you should think proper to place him. I am, &c.

(Signed)

LIVERPOOL.

Sir GEORGE PREVOST, Bart.

[COPY.] No. X.

Mr. Ryland to Mr. Henry.

TUESDAY EVENING, JULY 2, 1811.

DEAR HENRY,

It gives me real pleasure to find, that the apprehension I had formed, with respect to the fulfilment of your expectations, is likely to prove erroneous. As every thing which passed relative to your mission was in writing, I think you will do well in submitting to Mr. Peel all the original papers. I, myself, could give no other information relative to the subject, than what they contain, as you and I had no opportunity of any verbal communication respecting it, till after your mission terminated, and I never wrote you a letter in the governour's name which had not previously been submitted to his correction.

The impression I had received of your character and abilities made me anxious to serve you, even before I had the pleasure of a personal acquaintance with you, and the same desire has operated on me ever since; I am, therefore, entitled to hope, that any opinion which I may have given you as to your best mode of obtaining an employment under government, will be received with the same candour that gave rise to it. I think you will do well to persevere as you propose. I have no doubt that every letter from you, which Sir James sent home, will be found in Mr. Peel's office, as the established practice there is, to bind the despatches and enclosures, yearly, up together.

Sincerely wishing you every success, I am, &c.

(Signed) H. W. RYLAND.

B.

Lord Liverpool's despatch to Sir George Prevost, with its enclosures, dated Downing Street, Sept. 16, 1811.

SIR,

MR. HENRY, who will have the honour of delivering this letter, is the gentleman who addressed to me the memorial, a copy of which I herewith transmit, and to whom the

accompanying letter from Mr. Peel was written by my direction.

In compliance with his request, I now fulfil the assurance which I have given of stating to you my opinion of the ability and judgment which Mr. Henry has manifested on the occasions mentioned in his memorial, and of the benefit the publick service might derive from his active employment in any publick situation in which you should think proper to place him. I am, &c.

(Signed) **LIVERPOOL.**

ACCOMPANYING LORD LIVERPOOL'S DESPATCH TO SIR GEORGE PREVOST.

DOCUMENT No. I.

Extract of the official Letter of Sir James Craig, referred to in the Memorial.

Most secret and confidential.

QUEBEC, JANUARY 26, 1809.

MY DEAR SIR,

THE extraordinary situation of things at this time in the neighbouring states, has suggested to the Governour in chief, the idea of employing you on a secret and confidential mission, provided an arrangement can be made to meet the important end in view, without throwing an absolute obstacle in the way of your professional pursuits.

The information and political observations heretofore received from you, were transmitted by his excellency to the secretary of state, who has expressed his particular approbation of them; and there is no doubt that your able execution of such a mission as I have above suggested, would give you a claim, not only on the Governour General, but on his majesty's ministers, which would eventually contribute to your advantage. At present it is only necessary for me to add, that the governour would furnish you with a cypher for carrying on your correspondence, and in case the leading party in any of the states wished to open a communication with this government, their views might be communicated through you. I am, &c.

(Signed)

HERMAN W. RYLAND.

To JOHN HENRY, Esq.

ACCOMPANYING LORD LIVERPOOL'S DESPATCH TO SIR GEORGE
PREVOST.

DOCUMENT No. 2.

Extract from general instructions, referred to in the Memorial. Quebec, February 6, 1809.

SIR,

As you have so readily undertaken the service which I have suggested to you as likely to be attended with much benefit to the publick interests, I am to request that with your earliest conveniency you will proceed to Boston.

The principal object that I recommend to your attention is, the endeavour to obtain the most accurate information of the state of affairs in that part of the Union, which, from its wealth, the number of its inhabitants, and the known intelligence and ability of several of its leading men, must naturally possess a very considerable influence over, and will, indeed, probably lead the other eastern states of America in the part that they may take at this important crisis. I shall not pretend to point out to you the mode by which you will be likely to obtain this important information. Your own judgment and the connections which you have formed must be your guide.

In the general terms which I have made use of, to describe the objects which I recommend to your attention, it is scarcely necessary to observe, that I include the state of publick opinion, both with regard to the internal politics and the probability of a war with England. The comparative strength and views of the two great parties into which the country is divided; and the views and designs of that which may ultimately prevail.

If the federalists of the eastern states should be successful in obtaining that decided influence which may enable them to direct the publick opinion, it is not impossible that rather than submit to a continuance of the difficulties and distress to which they are now subject, they will exert that influence to bring about a separation from the general

union. The earliest information on this subject, may be of great consequence to our government, as it may also that it should be informed how far they would in such an event look up to England for assistance and be disposed to enter into a connection with us. These I leave to your judgment and discretion.

(Signed) J. H. CRAIG.

[The letter of instructions is long. The above are the principal points in it, except as to secrecy.]

Copy of Mr. Henry's memorial accompanying Lord Liverpool's despatch.

To the right honourable the earl of Liverpool, the undersigned most respectfully submits the following memorial.

Long before, and during the administration of your lordship's predecessor, the undersigned bestowed much personal attention to the state of parties and political measures in the United States of America; and had an † opportunity

and to write the * * * * * the information transmitted by the undersigned to Sir James Craig, and by him to lord Castlereagh, *met with his lordship's approbation*;‡ and when the hostile preparations in the United States suggested to Sir James Craig the necessity of making corresponding arrangements of precaution and defence, for the security of his majesty's colonies, he applied to the undersigned to undertake a secret and confidential mission to the northern states, to

* * * * * the party already mentioned, to direct their operations, and transmit regular information of the same, and to en-

† See the letters of Mr. Henry addressed to the secretary of Sir James Craig, and by him transmitted to lord —, in the month of April, 1808.

‡ See document No. 1, herewith submitted.

deavour to render their plans subservient to the interests of Great † Britain. The undersigned readily undertook the mission, and spent five months in the active and zealous discharge of the duties connected with it * *

* * * * * † * * * *

which deterred the general government from the purpose already mentioned, and from a coalition with France;§ while the information which he transmitted to Sir James Craig probably saved the trouble and expense of arming the Canadian militia. All this the undersigned performed without ever showing his commission, or appearing as an authorized agent, from a thorough conviction, that a discovery of his mission would furnish the French party with the means of destroying the influence of the party adhering to Great Britain, in every quarter of America, and enable the general government to go to war upon popular and tenable ground.

In the application of Sir James Craig to the undersigned, to undertake the mission aforesaid, he says, “ *The information and political observations received from you heretofore were all transmitted to the Secretary of State, who has expressed his particular approbation of them, and there is no doubt that your able execution of such a mission as I have above suggested, would give you a claim not only on the governour general, (of British America) but on his majesty’s ministers, &c.*¶

The undersigned being now in England, on his private affairs, and on the eve of departure for America, most humbly and respectfully submits his claims, under the stipulations aforesaid, to the earl of Liverpool, in the confident expectation that his lordship will treat them with

† See documents No. 1 and 2, herewith submitted.

‡ See letter No. 1, of the series transmitted by Sir James Craig to the colonial department, under date Feb. 14, 1809.

§ See the remainder of the aforesaid series of letters.

¶ See document No. 1, herewith submitted.

that justice and liberality, which, upon investigation, they may be found to merit.

It may not be superfluous to add, that the undersigned has never received, in any shape whatever, any compensation or patronage for the services he has rendered. This fact, Mr. Ryland, the secretary of Sir James Craig, now in London, can vouch for; as well as for the truth of all the matters set forth in this memorial.

I have the honour, &c.

(Signed) J. HENRY.

27 Leicester Square, June 23, 1811.

[COPY.] *Mr. Peel to Mr. Henry, accompanying lord Liverpool's despatch to Sir George Prevost, dated Downing Street, June 28, 1811.*

SIR,

I HAVE not failed to lay before the earl of Liverpool the memorial, together with its several enclosures, which was delivered to me a few days since by general Loft, at your desire.

His lordship has directed me to acquaint you in reply, that he has referred to the correspondence in this office, of the year 1808, and finds two letters from Sir James Craig, dated 10th April and 5th May, transmitting the correspondence that had passed during your residence in the northern states of America, and expressing his confidence in your ability and judgment; but lord Liverpool has not discovered any wish, on the part of Sir James Craig, that your claims for compensation should be referred to this country; nor, indeed, is allusion made to any kind of arrangement or agreement that had been made by that officer with you. Under these circumstances, and had not Sir James Craig determined on his immediate return to England, it would have been lord Liverpool's wish to have referred your memorial to him, as being better enabled to appreciate the ability and success with which you executed a mission, undertaken at his desire; lord Liverpool will,

however, transmit it to Sir James Craig's successor in the government, with an assurance, that from the recommendations he has received in your favour, and the opinion he has formed on your correspondence, he is convinced the publick service will be benefitted by your active employment in a publick situation.

Lord Liverpool will also feel himself bound to give the same assurance to the Marquis Wellesley, if there is any probability that it will advance the success of the application which you have made to his lordship. I am, &c.

(Signed)

ROBERT PEEL.

ACCOMPANYING LORD LIVERPOOL'S DESPATCH TO SIR GEORGE PREVOST.

Extracts of Letters of recall from the mission, in consequence of the arrangements entered into between Mr. Erskine and the American government.

QUEBEC, MAY, 1809.

"THE news we have received this day from the United States, will, I imagine, soon bring you back to us. The last letters received from you are to the 13th April. The whole are now transcribing to be sent home, where they cannot fail of doing you great credit, and, eventually, contribute to your permanent advantage."

(Signed)

H. W. RYLAND.

JOHN HENRY, Esq.

MAY 4, 1809.

I AM now formally to intimate to you our hope of your return; as the object of your mission seems, for the present at least, to be at an end.

Sincerely wishing you a safe and speedy journey back to us, I am, &c.

(Signed)

H. W. RYLAND, Sec^y.

JOHN HENRY, Esq.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
SENATE. MARCH 12, 1812.

I TRANSMIT to the Senate a report of the Secretary
of State, complying with their resolution of the 10th inst.
JAMES MADISON.

REPORT.

THE Secretary of State, to whom was referred the resolution of the Senate of the 10th instant, has the honour to report, that this department is not in possession of any names of persons in the United States, who have, in any way or manner whatever, entered into or countenanced the project or the views, for the execution or attainment of which John Henry was in the year 1809, employed by Sir James Craig; the said John Henry having named no persons or person as being concerned in the said project or views referred to in the documents laid before Congress on the 9th instant. Which is respectfully submitted.

JAMES MONROE.

Department of State, March 12, 1812.



REPORT

OF THE COMMITTEE ON FOREIGN RELATIONS, RELATIVE
TO HENRY, CRAIG, &c. MARCH 19, 1812.

THE committee of foreign relations, to whom was referred the President's message of the 9th instant, covering copies of certain documents communicated to him by a Mr. John Henry, beg leave to report, in part—

That, although they did not deem it necessary or proper

to go into an investigation of the authenticity of documents communicated to Congress on the responsibility of a co-ordinate branch of the government, it may, nevertheless, be satisfactory to the house to be informed, that the original papers, with the evidences relating to them, in possession of the executive, were submitted to their examination, and were such as fully to satisfy the committee of their genuineness.

The circumstances under which the disclosures of Henry were made to the government, involving considerations of political expediency, have prevented the committee from making those disclosures the basis of any proceeding against him. And from the careful concealment, on his part, of every circumstance which could lead to the discovery and punishment of any individuals within the United States, (should there be any such) who were criminally connected with him, no distinct object was presented to the committee by his communication, for the exercise of the power with which they were invested of sending for persons and papers. On being informed, however, that there was a foreigner in the city of Washington, who lately came to this country from Europe, with Henry, and was supposed to be in his confidence, the committee thought proper to send for him. His examination, taken under oath and reduced to writing, they herewith submit to the house.

The transaction disclosed by the President's message, presents to the minds of the committee, conclusive evidence, that the British government, at a period of peace, and during the most friendly professions, have been deliberately and perfidiously pursuing measures to divide these states, and to involve our citizens in all the guilt of treason, and the horrors of a civil war. It is not, however, the intention of the committee to dwell upon a proceeding, which, at all times, and among all nations, has been considered as one of the most aggravated character; and which, from the nature of our government, depending on a virtuous union of sentiment, ought to be regarded by us with the deepest abhorrence.

COMMITTEE OF FOREIGN RELATIONS.

Friday, March 13.—COUNT EDWARD DE CRILLON sworn.—This deponent knows Mr. Henry. Dined with him at Mr. Wellesley Pole's, in September last, and afterwards at lord Yarmouth's: met with him also at different fashionable clubs. Deponent fell in with Mr. Henry subsequently by accident: deponent had ordered his servants to procure him a passage to America. They met with captain Tracy, of the ship *New Galen*, of Boston, at the New London coffee house. After agreeing with him upon the terms of the passage, captain Tracy applied to deponent to know if he was ready to embark the next day, as the ship would sail on the following morning. Deponent said no; that he should send his servants on board, but should take a post chaise for Portsmouth, and pass over to the Isle of Wight, where he would wait for the vessel. On the day following, he went accordingly to Portsmouth, but before his departure he received a letter from captain Tracy, couched in these terms:—"Sir, you must go to Ryde, where you will find a gentleman called captain Henry, waiting for the *New Galen*. I shall send a boat ashore for both of you." Deponent went to Ryde; but did not find captain Henry there: thence he proceeded to Cowes, and inquired of the American consul, "if the *New Galen* had passed?" fearing that she had sailed without him. The consul informs him that the ship was detained in the Downs by head winds. Deponent returns to Ryde, where he remained three weeks alone, before captain Henry arrived. Henry came to deponent and told him that the ship was badly found, and advised him to go to Liverpool and take the packet. Deponent refuses; having paid his passage, and his trunks being on board. Captain Henry, three days after his arrival, fell sick. He kept his bed twenty-two days; during which time he was often delirious, frequently uttering the name of lord Liverpool. The deponent having two servants, one of them attended on Mr. Henry. During his illness Henry was visited by Mr. Powell of Philadelphia, a Mr. Wilkinson, or Dickenson, of the British

army, and a Mr. Perkins of Boston. He received about two hundred letters from a Bostonian house [Higginson's] in Finsbury Square, that had lately stopped payment. He refused to take the letters, giving them to the captain. Mr. Henry was also visited by a Mr. Baggholt, who brought him letters from Sir James Craig. Henry refused to receive those letters. He recovered from his sickness. Deponent occupying the most agreeable house in the place. Henry's physician asked the favour of an apartment for him until ready to embark. After eight weeks' detention, the wind became fair, and the vessel sailed. The day before her departure, Mr. Baggholt arrived at Ryde, with letters from lord Liverpool to Sir George Prevost, and to Mr. Henry. Henry, when he saw the seal of the letter addressed to him, said, throwing it on the table, "that is a letter from Liverpool, what more does he want from me?" He appeared to be much agitated, and retired to his room. Mr. Baggholt returned that night to London, without taking leave. But the wind becoming fair the next morning, the ship sailed. Mr. Edward Wire and Mr. West, both of Boston, and Mrs. Thompson of London, were passengers in the ship. Henry, at first, appeared very low spirited; took a cabin to himself, and mostly dined alone. In good weather he employed himself in shooting pistols, at which he was very expert. One dark night, about ten o'clock, the witness was walking on deck, much dejected, when Henry accosted him: "count Crillon (said he) you have not confidence in me; you are unhappy; confide your sorrows to me." He spoke so kindly, that deponent made him, in part, acquainted with his situation. Henry replied, "one confidence deserves another. I will now tell you my situation. I have been very ill treated by the British government. I was born in Ireland, of one of the first families in that country; poor, because a younger brother. I went to America with expectations from an uncle (Daniel M'Cor-mick, Esq. of New York,) who possesses a large fortune, is old and unmarried. French persecution having exiled from that country many of the most respectable families

of France, I married a lady of that description, who died and left two daughters, without fortune. I applied to the American government, and through the influence of the British minister, I was appointed a captain of artillery, during Mr. Adams' administration. I had command at Portland, and of the fort near Boston; and while in commission, I was employed in quelling a meeting or insurrection, among the soldiers; and during my continuance in office, I gave general satisfaction. But perceiving that there was no field for my ambition, I purchased an estate in Vermont, near the Canada line, and there studied law for five years, without stirring from home. I detested republican government, and I filled the newspapers with essays against it."

Committee adjourned, and met the day following, Saturday, March 14, 1812.

Count Crillon, in continuation.—Deponent says that Henry told him, in the course of the interview which he mentioned yesterday, that "the severity of his strictures in the publick prints, against republican government, attracted the attention of the British government. Sir James Craig, continued he, became desirous of my acquaintance. He invited me to Quebec, where I staid some time. Thence I went to Montreal, where every thing that I had to fear, and all that I had to hope was disclosed to me. I went afterwards to Boston, where I established my usual residence. I was surrounded by all the people pointed out to me by the agents who were under my orders. I lived at the exchange coffee house; gave large parties; made excursions into the country; and received an order extraordinary from Sir James Craig, to dispose of the fleet at Halifax, and of the troops, to further the object of my mission, if required. My devotion to the cause was extreme. I exhausted all my funds. I spent many precious years in the service, and was advised to proceed to London. The government treated me with great kindness. I was received in the highest circles; was complimented with a ticket, as member of the *Pitt Club*, without being

balloted for. And when I had spent all my money and presented my claims for retribution, the government attempted to cheapen my services, [*marchander*] to beat me down. My claims were to the amount of 32,000*l.* sterling. I was told, however, that I should be provided for by a recommendation to Sir George Prevost, in case I would return to Canada, and continue my mission and services as before, and to exercise the same vigilance over the interests of the British government. At the same time, the government appointed a friend of mine, an Irish gentleman, attorney general for Canada, through my influence." [Deponent saw this gentleman at Mr. Gilbert Robertson's in New York.] Henry continued: "Disappointed in my expectations, I was impatient to proceed to Canada, to sell my estates, and my library, and take my revenge against the British government. I knew that if I went to Canada, I must deliver up my despatches, and that I should afterwards be put off by the government. I therefore determined to retain the documents in my own possession, as the instrument of my revenge. Determined to extricate myself from my embarrassing connection with the British government, I refused the offer of a passage to Halifax, in one of their ships of war, and determined to live privately and retired at Ryde, and take passage in the first vessel that should sail for the United States. This is the cause of your meeting me at Ryde."

Deponent represents to Henry, "that England was his legitimate government; that he would render himself the most odious of all characters by betraying it; that his (the deponent's) government had treated him harshly, and that he then laboured under its displeasure, but no consideration should induce him to act against it. That we must not resent a parent's injuries. Tells him to have patience and wait for his reward." Henry then plead in his justification the wrongs of his native country, Ireland, inflicted by the British government.

Henry came down to Washington, and stopped at Tomlinson's, where deponent saw him. He afterwards removed to Georgetown, to the house of one Davis, an auctioneer,

where deponent visited him every day, and found him always occupied in writing. Deponent waited for his disclosures, not having any disposition to pry into his secrets; but Henry was entirely silent, and incessantly sighing very deeply. On the day of general Blount's funeral, deponent took Henry down to Alexandria, in expectation that he might communicate his projects: but he was still reserved. After dinner they returned; and whilst in the carriage, Henry tells deponent, "that he has great confidence in him; that he (deponent) has been here some time, and asks his opinion of Mr. Monroe." Deponent answers, that he was very little acquainted with any body, but thought Mr. Monroe a most virtuous and respectable man.

Deponent remained several days without hearing any thing more, until one morning, at 7 o'clock, Henry came into his apartment and said, "Crillon! you must sell me St. Martial" [an estate of the deponent, in Lebeur, near the Spanish frontier.] "You have the title papers with you; my name will be rescued from oblivion by living near *Crillon*, the habitation of your ancestors, and of a man who has been my friend." Deponent answered that he had no objection; and if Henry on seeing the property, was not satisfied, he would give orders to his agent in France to cancel the bargain. The conveyance was accordingly made; Henry left deponent, when Mr. Brent, to whom Henry was not introduced, came into deponent's apartment. About this time, deponent received four anonymous threatening letters, and was advised by his friends that he was surrounded by spies; but he told them that he had nothing to fear, that he was "*sans peur et sans reproche*." By one of their letters I was advised to leave the city by twelve o'clock, as a person had arrived from London with orders to arrest me. Meanwhile, rumours circulated very generally to the deponent's prejudice, and he was under the necessity of vindicating his character, and of correcting the author of those reports.

The message of the President gave the deponent the first intelligence of the true state of the transaction.

Henry told deponent, that a Mr. Gilvary, or Gillivray, from Quebec, had come to him at New York, to persuade

him to go to Canada ; but Henry said “ that he would not, that the Rubicon was passed.”

Henry kept the first company at Boston.

Being questioned, if Henry had mentioned the names of any persons, with whom he had conferred? deponent answered “ none.”

Deponent landed at Boston, December 24, 1811 ; staid there about 10 or 12 days ; visited governour Gerry twice.

Question. Do you know where Henry is now ?

Answer. No. By report, I hear, in New York.

Deponent left Boston in the publick stage ; Henry was also a passenger : But at Newhaven, deponent took a private carriage to himself.

THE COUNT EDWARD DE CRILLON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. MARCH 13, 1812.

I LAY before Congress, a letter from the envoy extraordinary and minister plenipotentiary of Great Britain, to the Secretary of State. JAMES MADISON.

Mr. Foster to Mr. Monroe.

WASHINGTON, MARCH 11, 1812.

THE undersigned, his Britannic majesty's envoy extraordinary and minister plenipotentiary to the United States, has read in the publick papers of this city, with the deepest concern, the message sent by the President of the United States to Congress on the 9th instant, and the documents which accompanied it.

In the utter ignorance of the undersigned as to all the circumstances alluded to in those documents, he can only disclaim most solemnly, on his own part, the having had any knowledge whatever of the existence of such a mis-

sion, or of such transactions as the communication of Mr. Henry refers to, and express his conviction, that from what he knows of those branches of his majesty's government with which he is in the habit of having intercourse, no countenance whatever was given by them to any schemes hostile to the internal tranquillity of the United States.

The undersigned, however, cannot but trust that the American government and the Congress of the United States will take into consideration the character of the individual who has made the communication in question, and will suspend any further judgment on its merits until the circumstances shall have been made known to his majesty's government.

The undersigned requests the Secretary of State to accept the assurance of his highest consideration.

(Signed) AUG. J. FOSTER.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. APRIL 1, 1812.

CONSIDERING it as expedient, under existing circumstances and prospects, that a general embargo be laid on all vessels now in port or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect.

JAMES MADISON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. MAY 26, 1812.

I COMMUNICATE to Congress, for their information, copies and extracts from the correspondence of the Secre-

tary of State, and the minister plenipotentiary of the United States at Paris. These documents will place before Congress the actual posture of our relations with France.

JAMES MADISON.

Mr. Monroe to Mr. Barlow.

DEPARTMENT OF STATE, JULY 26, 1811.

SIR,

It is the desire of the President that you should set out, without delay, for Paris, to commence the duties of the office of minister plenipotentiary to the emperor of France, with which you are invested. A frigate prepared for your accommodation will receive you at Annapolis, and convey you to the most convenient port of that country. I enclose you a commission and letters of credence, with such other documents as are necessary to illustrate the subjects on which you will have to act.

With the ordinary duties of the office you are too well acquainted to require any comment on them in this letter. There are, however, some subjects of peculiar importance which will claim your attention immediately after your reception. On these it is proper that you should know distinctly the sentiments of the President.

The United States have claims on France, which it is expected that her government will satisfy to their full extent, and without delay. These are founded partly on the late arrangement, by which the non-importation law, of May 1, 1810, was carried into effect against Great Britain, and partly on injuries to their commerce, committed on the high seas and in French ports.

To form a just estimate of the claims of the first class, it is necessary to examine minutely their nature and extent. The present is a proper time to make this examination, and to press a compliance with the arrangement, in every circumstance, on its just principles, on the government of France. The President, conscious that the United States have performed every act that was stipulated on their part, with the most perfect good faith, expects a like performance on the part of France. He considers

it peculiarly incumbent on him, to request such explanations from her government, as will dissipate all doubt of what he may expect from it in future on this as well as on every other question depending between the two nations.

By the act of May 1, 1810, it was declared, that in case Great Britain or France should, before the third day of March, 1811, so revoke or modify her edicts as that they should cease to violate the neutral commerce of the United States, which fact the President should declare by proclamation, and if the other nation should not within three months thereafter revoke or modify its edicts in like manner, then the 3d, 4th, 6th, 7th, 8th, 9th, 10th and 18th sections of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France," &c. &c. should, from and after the expiration of three months from the date of the proclamation aforesaid, be revived and have full force and effect, so far as relates to the dominions, colonies and dependencies, and to the articles the growth, produce or manufacture of the dominions, colonies and dependencies of the nation thus refusing or neglecting to revoke or modify its edicts, in the manner aforesaid.

This act having been promulgated and made known to the governments of Great Britain and France, the minister of the latter, by note bearing date on the 5th August, 1810, addressed to the minister plenipotentiary of the United States at Paris, declared that the decrees of Berlin and Milan were revoked, the revocation to take effect on the 1st of November following, but that this measure was adopted in compliance with the law of May 1, 1810, to take advantage of the condition contained in it, and in full confidence that that condition would be enforced against Great Britain, if she did not revoke her orders in council, and renounce the new principles of blockade.

This declaration of the emperor of France was considered a sufficient ground for the President to act on. It was explicit, as to its object, and equally so as to its import. The decrees of Berlin and Milan, which had

violated our neutral rights, were said to be repealed, to take effect at a subsequent day, at no distant period, the interval apparently intended to allow full time for the communication of the measure to this government. The declaration had, too, all the formality which such an act could admit of, being through the official organ on both sides, from the French minister of foreign affairs to the minister plenipotentiary of the United States, at Paris.

In consequence of this note from the French minister of foreign affairs, of the 5th August, 1810, the President proceeded on the 2d of November following, to issue the proclamation enjoined by the act of May 1, of the same year, to declare that all the restrictions imposed by it should cease and be discontinued, in relation to France and her dependencies; and in confirmation of the proclamation of the President, the Congress did, on the 2d March, 1811, pass an act, whereby the non-importation system provided for by the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 18th sections of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies" was declared to be in force against Great Britain, her colonies and dependencies, with a provision in favour of such vessels or merchandise as might be seized before it was known that Great Britain had revoked or modified her edicts, within the time and in the manner required by the said act, if such should be the case; and with a provision also in favour of any ships or cargoes, owned wholly by citizens of the United States, which had cleared out for the Cape of Good Hope, or for any other port beyond the same, prior to the 2d day of November, 1810. Both of those provisions were, in strict justice and good faith, due to the parties to be affected by the law; they were also conformable to the spirit of the arrangement, to execute which the law was passed. As Great Britain did not revoke or modify her edicts, in the manner proposed, the first provision had no effect.

I will now inquire whether France has performed her part of this arrangement.

It is understood that the blockade of the British isles is revoked. The revocation having been officially declared, and no vessel trading to them having been condemned or taken on the high seas, it is fair to conclude that the measure is relinquished. It appears too, that no American vessel has been condemned in France for having been visited at sea by an English ship, or for having been searched or carried into England, or subjected to impositions there. On the sea, therefore, France is understood to have changed her system.

Although such is the light in which the conduct of France is viewed in regard to the neutral commerce of the United States since the 1st of November last, it will nevertheless be proper for you to investigate fully the whole subject, and see that nothing has been or shall be omitted on her part, in future, which the United States have a right to claim.

Your early and particular attention will be drawn to the great subject of the commercial relation which is to subsist between the United States and France. The President expects that the commerce of the United States will be placed, in the ports of France, on such a footing as to afford to it a fair market, and to the industry and enterprise of their people a reasonable encouragement. An arrangement to this effect was looked for immediately after the revocation of the decrees; but it appears from the documents in this department that that was not the case: on the contrary, that our commerce has been subjected to the greatest discouragement, or rather to the most oppressive restraints; that the vessels which carried coffee, sugar, &c. &c. though sailing directly from the United States to a French port, were held in a state of sequestration, on the principle that the trade was prohibited, and that the importation of those articles was not only unlawful, but criminal; that even the vessels which carried the unquestionable productions of the United States were exposed to great and expensive delays, to tedious investigations in unusual forms, and to exorbitant duties. In short, that the ordinary usages of commerce between friendly nations were abandoned.

When it was announced that the decrees of Berlin and Milan were revoked, the revocation to take effect on the 1st of November last, it was natural for our merchants to rush into the ports of France, to take advantage of a market to which they thought they were invited. All these restraints, therefore, have been unjust in regard to the parties who suffered by them; nor can they be reconciled to the respect which was due to this government. If France had wished to exclude the American commerce from her ports, she ought to have declared it to this government in explicit terms, in which case due notice would have been given of it to the American merchants, who would either have avoided her ports, or gone there at their own hazard. But to suffer them to enter her ports, under such circumstances, and to detain them there, under any pretext whatever, cannot be justified. It is not known to what extent the injuries resulting from those delays have been carried. It is evident, however, that for every injury thus sustained, the parties are entitled to reparation.

If the ports of France and her allies are not opened to the commerce of the United States on a liberal scale and on fair conditions, of what avail to them, it may be asked, will be the revocation of the British orders in council? In contending for the revocation of those orders, so far as it was an object of interest, the United States had in view a trade with the continent. It was a fair and legitimate object and worth contending for while France encouraged it; but if she shuts her ports on our commerce, or burdens it with heavy duties, that motive is at an end.

That France has a right to impose such restraints is admitted; but she ought to beware of the consequences to which they necessarily lead. The least that ought to be expected to follow, would be such countervailing restrictions on the French commerce as must destroy the value of the intercourse between the two countries, and leave to the United States no motive of interest to maintain their right to that intercourse, by a sacrifice of any other branch of their commerce. Adequate motives to such a

sacrifice could only be found in considerations distinct from any reasonable pretensions on the part of France.

To the admission of every article, the produce of the United States, no objection is anticipated; nor does there appear to be just cause for any, to the admission of colonial produce. A supply of that produce will be annually wanted in France and other countries connected with her, and the United States alone can furnish it during the war. It will doubtless be the interest of France and her allies to avail themselves of the industry and capital of the American merchants, in furnishing those articles by which the wants of their people will be supplied, and their revenue increased. Several of the colonies belonged to France, and may again belong to her. Great Britain, by securing to her own colonies the monopoly of the home market, lessens the value of the produce of the conquered colonies. France cannot be indifferent to the distresses of her late colonies, nor ought she to abandon, because she cannot protect them. In pressing this important object on the government of France, it will not escape your attention that several important articles in the list of colonial productions, are raised in Louisiana, and will of course be comprised among those of the United States.

You will see the injustice, and endeavour to prevent the necessity of bringing, in return for American cargoes sold in France, an equal amount in the produce or manufactures of that country. No such obligation is imposed on French merchants trading to the United States. They enjoy the liberty of selling their cargoes for cash, and taking back what they please from this country in return, and the right ought to be reciprocal.

It is indispensable that the trade be free; that all American citizens engaged in it be placed on the same footing; and with this view, that the system of carrying it on by licenses granted by French agents, be immediately annulled. You must make it distinctly understood by the French government, that the United States cannot submit to that system, as it tends to sacrifice one part of the community to another, and to give a corrupt influence to the

agents of a foreign power in our towns, which is in every view incompatible with the principles of our government. It was presumed that this system had been abandoned some time since, as a letter from the duke of Cadore of to Mr. Russell gave assurance of it. Should it however be still maintained, you will not fail to bring the subject without delay before the French government, and to urge its immediate abandonment. The President having long since expressed his strong disapprobation of it, and requested that the consuls would discontinue it, it is probable, if they still disregard his injunction, that he may find it necessary to revoke their exequaturs. I mention this that you may be able to explain the motive to such a measure, should it take place, which, without such explanation, might probably be viewed in a mistaken light by the French government.

It is important the rate of duties imposed on our commerce in every article, should be made as low as possible. If they are not they may produce the effect of a prohibition: they will be sure to depress the article and discourage the trade.

You will be able to ascertain the various other claims which the United States have on France for injuries done to their citizens, under decrees of a subsequent date to those of Berlin and Milan, and you will likewise use your best exertions to obtain an indemnity for them. It is presumed that the French government will be disposed to do justice for all these injuries. In looking to the future, the past ought to be fairly and honourably adjusted. If that is not done, much dissatisfaction will remain here, which cannot fail to produce a very unfavourable effect on the relations which are to subsist in future between the two countries.

The first of these latter decrees bears date at Bayonne, on the 17th of March, 1808, by which many American vessels and their cargoes were seized and carried into France, and others which had entered her ports in the fair course of trade, were seized and sequestered, or confiscated by her government. It was pretended, in vindica-

tion of this measure, that as, under our embargo law, no American vessel could navigate the ocean, all those who were found on it, were trading on British account, and lawful prize. The fact, however, was otherwise. At the time the embargo was laid, a great number of our vessels were at sea engaged in their usual commerce, many of them on distant voyages. Their absence, especially as no previous notice could be given to them, was strictly justifiable under the law; and as no obligation was imposed on them by the law to return, they committed no offence by remaining abroad. Other vessels, inconsiderable in number, left the United States in violation of the law. The latter committed an offence against their country, but none against foreign powers. They were not *disfranchised* by the act. They were entitled to the protection of their government, and it had a right to inflict on them the penalty which their conduct had exposed them to.—The government of France could withdraw them from neither of these claims. The absence of none of these vessels was a proof that they were trading on British account. The cargoes which they carried with them, the value of which was much enhanced by the embargo, were alone an ample capital to trade on. As the pretext under which these vessels were taken is no justification of the act, you will claim an indemnity to our citizens for every species of injury arising from it.

The Rambouillet decree was a still more unjustifiable aggression on the rights of the United States, and invasion of the property of their citizens. It bears date on the 23d of March, 1810, and made a sweep of all American property within the reach of French power. It was also retrospective, extending back to the 20th of May, 1809. By this decree every American vessel and cargo, even those which had been delivered up to the owners by compromise with the captors, were seized and sold. The law of March 1st, 1809, commonly called the non-intercourse law, was the pretext for this measure, which was intended as an act of reprisal. It requires no reasoning to show the injustice of this pretension. Our law regulated the

trade of the United States with other powers, particularly with France and Great Britain, and was such a law as every nation has a right to adopt. It was duly promulgated and reasonable notice given of it, to other powers. It was also impartial as it related to the belligerents. The condemnation of such vessels of France or England as came into the ports of the United States in breach of this law, was strictly proper, and could afford no cause of complaint to either power. The seizure of so vast a property as was laid hold of under that pretext by the French government, places the transaction in a very clear light. If an indemnity had been sought for an imputed injury, the measure of the injury should have been ascertained, and the indemnity proportioned to it. But in this case no injury had been sustained on principle. A trifling loss only had been incurred, and for that loss all the American property which could be found was seized, involving in indiscriminate ruin innocent merchants who had entered the ports of France in a fair course of trade. It is proper that you should make it distinctly known to the French government that the claim to a just reparation for these spoliations cannot be relinquished, and that a delay in making it will produce very high dissatisfaction with this government and people of these states.

It has been intimated that the French government would be willing to make this reparation, provided the United States would make one in return for the vessels and property condemned under and in breach of our non-intercourse law. Although the proposition was objectionable in many views, yet this government consented to it, to save so great a mass of the property of our citizens. An instruction for this purpose was given to your predecessor, which you are authorized to carry into effect.

The influence of France has been exerted to the injury of the United States in all the countries to which her power has extended. In Spain, Holland and Naples it has been most sensibly felt. In each of those countries the vessels and cargoes of American merchants were seized, and confiscated under various decrees founded in different

pretexts, none of which had even the semblance of right to support them. As the United States never injured France, that plea must fail; and that they had injured either of those powers was never pretended. You will be furnished with the documents which relate to these aggressions, and you will claim of the French government an indemnity for them.

The United States have also just cause of complaint against France for many injuries that were committed by persons acting under her authority. Of these the most distinguished, and least justifiable, are the examples which occurred of burning the vessels of our citizens at sea. Their atrocity forbids the imputation of them to the government. To it, however, the United States must look for reparation, which you will accordingly claim.

It is possible that in this enumeration, I may have omitted many injuries of which no account has yet been transmitted to this department. You will have it in your power to acquire a more comprehensive knowledge of them at Paris, which, it is expected, you will do, and full confidence is reposed in your exertions to obtain of the French government the just measure of redress.

France, it is presumed, has changed her policy towards the United States. The revocation of her decrees is an indication of that change, and some recent acts, more favourable to the commercial intercourse with her ports, the evidence of which will be found in a copy of a letter from her minister here of strengthen the presumption. But much is yet to be done by her, to satisfy the just claims of this country. To revoke blockades of boundless extent, in the present state of her marine, was making no sacrifice. She must indemnify us for past injuries, and open her ports to our commerce, on a fair and liberal scale. If she wishes to profit of neutral commerce, she must become the advocate of neutral rights, as well by her practice as her theory. The United States, standing on their own ground, will be able to support those rights with effect; and they will certainly fail in nothing which they owe to their character or their interests.

The papers relative to the *Impeteux*, the *Ravanche de Cerf*, and the French privateers seized at New Orleans, will be delivered to you. They will, it is presumed, enable you to satisfy the French government of the strict propriety of the conduct of the United States in all those occurrences.

The frigate which takes you to France will proceed to Holland, to execute an order from the secretary of the treasury, relative to the interest due on the publick debt. She will return to France, to take Mr. Russell to England, and after landing him there, sail back immediately for the United States. The interval afforded by her visit to Holland will be sufficient to enable you to communicate fully and freely with the French government on all the topicks, to which it will be your duty to invite its attention, under your instructions. A short detention, however, would not be objected to, if you deemed it important to the interests of the United States.

I have the honour to be, &c. &c.

(Signed)

JAMES MONROE.

JOEL BARLOW, Esq. &c. &c.

[COPY.]

Mr. Monroe to Mr. Barlow.

DEPARTMENT OF STATE, NOV. 21, 1814.

SIR,

I HAVE the honour to transmit to you a copy of the President's message to Congress at the commencement of the session, and of the documents which accompanied it.

In this very interesting communication you will find that the President has done justice to both the belligerents. He has spoken of each as it deserves. To France he has given the credit due for the revocation of her decrees, while he has bestowed on those injuries which remain unredressed, their merited censure. Of England he has spoken in terms of censure only, because she had in no respect changed her unfriendly policy. Thus the whole subject of our foreign relations is presented fully and fairly before the legislature and the publick, and, I am happy to add, that so far as an opinion can now be formed

of the impression made, the publick sentiment is in strict harmony with that expressed by the executive. Few, if any, seem to be willing to relinquish the ground which has been taken by the non-importation act; and most seem to be resolved, if Great Britain does not revoke her orders in council, to adopt more decisive measures towards her.

If the United States experience any embarrassment in the course which they are pursuing in support of their rights, or fail in the ultimate success, it will be owing to the conduct of the French government. It cannot be doubted, if France remains true to her engagements, by a faithful observance of the revocation of her decrees, and acquits herself on the various other points on which you are instructed, to the just claims of this country, that Great Britain will be compelled to follow her example, in which event the war will immediately assume a new character, such as has been the professed wish of both belligerents, mitigating its calamities to both of them, as well as diffusing the happiest effects on neutral states.

The part which France ought to act is a plain one. It is dictated in every circumstance, by the clearest principles of justice, and soundest maxims of policy. The President has presented to view, in the message to Congress, the prominent features of this plan, by stating equally our rights and injuries. It will scarcely be necessary for me to go into any of the details, which are already so well known to you. I will briefly advert to them.

It is not sufficient on the final decision of a cause, brought before the French tribunal, that it should appear that the French decrees are repealed. An active prohibitory policy should be adopted to prevent seizures on the principles of those decrees. All that is expected is that France will act in conformity to her own principles. If that is done, neutral nations would then have an important object before them, and one belligerent, at least, prove that it contended for principle rather than for power: that it sought the aid of neutral nations in support of that principle, and did not make it a pretext to enlist them on its side, to demolish its enemies. The abuses that are practised by French

privateers in the Baltic, the Channel, Mediterranean and wherever else they cruise, have, of late more especially, reached an enormous height. In the Baltic they have been the more odious from the circumstances that it was expected that they had been completely suppressed there. Till of late these abuses were imputed to the privateers of Denmark, which induced the President to send a special mission to the Danish government, which, it was understood, was producing the desired effect. But it is now represented that the same evil is produced by a collusion between the privateers of Denmark and those of France. Hence it assumes a worse character. To seizures equally unlawful, is added, by carrying the causes to Paris, still more oppressive delays.

If the French government is not willing to adopt the general rule alluded to, in favour of American commerce, it is presumed that it will not hesitate to define explicitly the causes of seizure, and to give such precise orders to its cruisers respecting them, with an assurance of certain punishment to those who violate them, as will prevent all abuse in future. Whatever orders are given, it would be satisfactory to this government, to be made acquainted with them. The President wishes to know, with great accuracy, the principles by which the French government intends to be governed, in regard to neutral commerce. A frank explanation on this subject, will be regarded as a proof of the friendly policy which France is disposed to pursue towards the United States.

What advantage does France derive from these abuses? Vessels trading from the United States can never afford cause of suspicion on any principle, nor ought they to be subject to seizure. Can the few French privateers which occasionally appear at sea, make any general impression on the commerce of Great Britain? They seldom touch a British vessel. Legitimate and honourable warfare is not their object. The unarmed vessels of the United States are their only prey. The opportunities of fair prize are few, even should France maintain the British principle. Can these few prizes compensate her for the violation of

her own principles, and for the effect which it ought, and cannot fail to produce here?

Indemnity must be made for spoliations on American property under other decrees. On this subject it is unnecessary to add any thing to your present instructions. They are detailed and explicit.

The trade by licenses must be abrogated. I cannot too strongly express the surprise of the President, after the repeated remonstrances of this government, and more especially after the letter of the duke of Cadore to Mr. Russell, of the last, informing him that, that system would fall with the Berlin and Milan decrees, that it should still be adhered to. The exequaturs of the consuls who have granted such licenses, would long since have been revoked, if orders to them to discontinue the practice, had not daily been expected, or in case they were not received, the more effectual interposition of Congress to suppress it. It will certainly be prohibited by law, under severe penalties, in compliance with the recommendation of the President, if your despatches by the Constitution do not prove that your demand on this subject has been duly attended to.

It is expected also that the commerce between the United States and France and her allies, will be placed on the basis of a fair reciprocity. If the oppressive restrictions which still fetter and harass our commerce there are not removed, it cannot be doubted that Congress will, as soon as it appears that a suitable change may not be expected, impose similar restraints on the commerce of France. Should such a state of things arise between the two countries, you will readily perceive the obvious tendency, or rather certain effect, on the relations which now subsist between them.

This is a short sketch of the policy which it is expected France will observe in regard to neutral commerce, and the other just claims of the United States. A compliance with it will impose on her no onerous condition; no concessions in favour of the United States. She will perform no act which she is not bound to perform, by a strict re-

gard to justice. She will abstain from none, the abstinence from which is not dictated by the principles which she asserts and professes to support. What is also of great importance, the cause pointed out cannot fail to prove, in all its consequences, of the highest advantage to her.

Among the measures necessary to support the attitude taken by this government, it is more than probable that a law will pass authorizing all merchant vessels to arm in their own defence. If England alone, by maintaining her orders in council, violates our neutral rights, with her only can any collision take effect. But in authorizing merchant vessels to arm, the object will be to enable them to support their rights against all who attempt to violate them. This consideration ought to afford a strong additional motive to France, to inhibit her privateers from interfering with American vessels. The United States will maintain their neutral rights equally against all nations who violate them.

You will find among the documents which accompanied the President's message, a correspondence between Mr. Foster and me, by which the difference relative to the attack on the Chesapeake, is terminated. It was thought advisable not to decline the advance of the British government on this point, although none was made on any other; and as the terms offered were such as had been in substance approved before, to accept them. The adjustment however of this difference does not authorize the expectation of a favourable result from the British government on any other point. This government will pursue the same policy towards Great Britain in regard to other injuries, as if this had not been accommodated.

You will also find among the printed documents a correspondence with Mr. Foster respecting the Floridas. To his remonstrance against the occupation of West Florida by the troops of the United States, he was told that it belonged to them by a title which could not be improved. And to that relative to East Florida, he was informed that Spain owed the United States for spoliations on their commerce, and for the suppression of the deposit at New Orleans, more than it was worth; that the United States

looked to East Florida for their indemnity; that they would suffer no power to take it, and would take it themselves, either at the invitation of the inhabitants, or to prevent its falling into the hands of another power. With so just a claim on it, and without any adverse claim, which, under existing circumstances, is any wise sustainable, more especially as the necessary severance of the Spanish colonies from Old Spain is admitted, and the known disposition and interest of the inhabitants are in favour of the United States, the idea of purchasing the territory, otherwise than as it has been already more than paid for in the property wrongfully taken from the citizens of the United States, does not merit, and has not received a moment's consideration here. You will therefore discountenance the idea every where and in every shape.

You will be furnished with a copy of my correspondence with Mr. Serrurier on the subject of a vessel called the *Ballaou*, No. 5, (formerly the *Exchange*) bearing a commission from the emperor of France, lately libelled in the district court of the United States for Pennsylvania. The decision of that court was in favour of a discharge of the vessel. An appeal was taken from it to the circuit court, by which the sentence was reversed. The cause was then carried by appeal, at the instance of the government, to the supreme court of the United States, where it is now depending. The whole process in favour of the French government is conducted on the part of, and at the expense of the United States, without, however, making themselves a party to it.

This vessel is one of those that were seized under the *Rambouillet* decree. The French government took her into service, as appears by the documents in possession of the commandant, and sent her with despatches to some distant quarter. She came into the port of Philadelphia, as it is said, in distress. She having on board a cargo, distress may have been a pretext. As this government denies the justice of the *Rambouillet* decree, has remonstrated against, and expects an indemnity for losses under it, you will be sensible of the delicacy and difficulty which it has

experienced in interfering, in any respect, in the case. To take the vessel from the court, and of course from the owner, and restore her to the French consul or other agent, even if under any circumstances lawful, would have excited universal discontent. I cannot dismiss this subject without remarking, that if the government of France had not violated the rights of the United States, by the Rambouillet decree, this case would not have occurred; and that it is painful to see a question connected with the publick law originate under such circumstances.

The publick vessel which takes these despatches to you, has others for our charge de affaires at London. After landing Mr. Biddle, who is the bearer of yours, at some port in France, she will proceed immediately to the English coast and land Mr. Tayloe, the messenger who is charged with those for London. It is expected that she will be subject to a short delay only on the English coast, and that your despatches will be prepared for her on her return to France. It is highly important to this government, to obtain without delay, or rather with the greatest possible despatch, correct information from you, and from our charge de affaires at London, of the policy adopted and the measures which have been already taken on the important interests depending with each government, on which you have been respectively instructed. A short detention of the vessel for an obvious and useful purpose, as intimated heretofore, will not be objected to. But such a delay as has, on some occasions occurred, is utterly inadmissible.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

JOEL BARLOW, Esq. &c. &c.

No. 1.

Extract of a Letter from Mr. Barlow to the Secretary of State, dated Paris, September 29, 1811.

“I SEIZE the first occasion to announce to you my arrival, though I have very little else to announce.

“I landed at Cherbourg the 8th of this month, and arrived at Paris the 19th.

“The emperor has been residing for some time at Compeigne, and it unluckily happened that he set out thence for the coast and for Holland, the day of my arrival here.

“The duke of Bassano, minister of foreign relations, came the next day to Paris, for two days only, when he was to follow the emperor, to join him in Holland. General Turreau and others who called on me the morning after I reached Paris, assured me that the duke was desirous of seeing me as soon as possible, and with as little ceremony.

“On the 21st, I made my first visit to him, which of course, had no other object than that of delivering my credentials. I expressed my regret at the emperor's absence, and the consequent delay of such business as was rendered particularly urgent by the necessity of sending home the frigate, and by the approaching session of Congress; as well as by the distressed situation of those American citizens, who were waiting the result of decisions which might be hastened by the expositions which I was charged to make on the part of the President of the United States.

“He said the emperor had foreseen the urgency of the case, and had charged him to remedy the evil so far as could be done, by dispensing with my presentation to his majesty, till his return; and that I might immediately proceed to business, as if I had been presented. He said the most flattering things from the emperor relative to my appointment. He observed that his majesty had expected my arrival with some solicitude for several months, and was disposed to do every thing that I could reasonably ask, to maintain a good intelligence between the two countries.

“The duke then proposed a second interview for the next day, which he said he hoped would be long and leisurely, that we might go over the whole range of business that was likely to come into discussion between us, declaring that he should be justified by the emperor in delaying

his journey one day, for that purpose only, and that he had no other business to detain him in the capital. I accepted the invitation, and was with him two hours the next day.

“I explained to him with as much precision as possible, the sentiments of the President on the most pressing objects of my mission; and threw in such observations as seemed to arise out of what I conceived to be the true interests of France.

“He heard me with patience and apparent solicitude; endeavoured to explain away some of the evils of which we complain, and expressed a strong desire to remove the rest. He said that many of the ideas I suggested were new to him, and were very important; that he should lay them before the emperor with fidelity, and in a manner calculated to produce the most favourable impression; desired me to reduce them to writing, to be presented in a more solemn form, and endeavoured to convince me that he doubted not our being able, on the return of the emperor, to remove all obstacles to a most perfect harmony between the two countries.”

No. 2.

Extract of a Letter from Mr. Barlow to the Secretary of State, dated Oct. 29, 1811.

“THE emperor stays in the north much longer than was expected. Having been assured by the minister that he would return by the 15th of Oct. and that during his tour he would make no stay in any one place, I concluded, as I had the honour to state to you before, not to follow him. The frigate *Constitution* did not return from Holland till about the time that the emperor was to have reached Fontainebleau, and during the last fourteen days the publick has been in constant expectation of his arrival.

“As the minister of foreign relations, and indeed most of the other ministers, are with him, it has not been in my power to bring forward, to advantage, any proposition on the great objects of my mission. For I was convinced, for reasons mentioned in my first despatch, that these objects

can be treated to the best advantage in presence, when frequent conversations can be mingled with formal official notes.

“ My correspondence with the minister, therefore, has been hitherto confined to incidental matters not worth troubling you with.

“ It is now so fully believed that the emperor will be here about the 10th of November, and it seems so important that something of a decisive nature should be communicated to you by the frigate, that it is thought best by captain Hull as well as myself, that she should go first over to Cowes with Mr. Russell, and return to Cherbourg for my despatches for you.”

No. 3.

Extract of a Letter from Mr. Barlow to the Secretary of State, dated Paris, Nov. 21, 1811.

“ ON the 9th of this month the duke of Bassano arrived in Paris, and signified his arrival by a circular to the foreign ministers here. The next day at one o'clock, I called at his house, having in my pocket the note dated 10th of November.

“ My intention was, if possible, to have an interview with him before he should read the note, to prepare his mind on some points which, being new to him, might be susceptible of farther development than it would be convenient to give in writing.

“ Not finding the duke at home I left the note, enclosing with it a written request for an interview, after he should have read the note. As yet I have no answer ; but having met him once since, he assured me that a very great press of business occupied him every day at St. Cloud. He gave me no other reason for the delay thus far ; and I have learnt, through other channels, that they are discussing in the emperor's council of commerce and of state, the principal points in my note. If this discussion is in good earnest, I shall probably have an answer of some sort before many days.”

[ENCLOSED IN NO. 3.]

Extract of a Letter from Mr. Barlow to the Duke of Bassano, dated Paris, Nov. 10, 1811.

“FOR all these considerations and others which I have had the honour to explain to your excellency in conversation, I am confident that I shall urge nothing contrary to the true interests of France, when I propose that his majesty the emperor and king should order a prompt and effectual execution of the arrangement of the 5th of August and 2d of Nov. in the true and liberal spirit in which it was proposed; so that the privations which the United States imposed upon themselves by excluding the productions of Great Britain and her dependencies, should, as far as circumstances will allow, be compensated by a free access to those of the continent of Europe, and that they may carry thither such means of purchasing those productions, as their own soil and industry, those of other neutral nations, and those of the French colonies, will furnish.

“Should his majesty adopt this principle, the means of arriving at the end are so obvious that it will not greatly add to the length of this note, if I here point them out. *First*, Let the American ships and cargoes now under seizure, capture, or sequestration, and the proceeds of such as have been sold, which are now reserved for the party having right, be immediately restored to their owners, and they declared free to depart therewith for their country. This article is not intended to embrace any thing but genuine American property, as protected by the acknowledged law of nations.

“*Second*. Such property, acknowledged to be American, as has been confiscated and no longer in a state to be restored, will remain to be paid for in some manner the least onerous to the French treasury, to be determined on by a separate convention.

“*Third*. A signification of his majesty's pleasure, if such it be, to form a new commercial treaty with the Unit-

ed States, on principles of reciprocity, both with respect to the rate of duties (as far as the different nature of the objects of our mutual commerce will permit) and the facility of buying and selling, entering and departing with such articles as shall be agreed upon, the produce of their respective countries, colonies, territories and dependencies.

“ One principal reason why a system of this kind has been deferred so long has doubtless been the difficulty of distinguishing American from English property, and of ascertaining the origin of produce. We regret as much as you can the frauds that have been committed in this respect: our honour as well as interest is concerned in suppressing them. We are ready to enact and inflict penalties, and agree with the French government on the marks, signals, or other measures most proper to attain the end.

“ I beg your excellency not to consider it improper or indiscreet in me to close this note by suggesting a cogent reason for desiring as speedy an answer to the principal propositions, as the other weighty concerns of your department will admit. The frigate which brought me to France is detained only for this answer. Congress is now beginning its session, and the President will be anxious to lay before it as early as possible the result of these propositions; and it has happened unluckily that my arrival here at the moment of the emperour's departure has already occasioned a considerable loss of time.”

No. 4.

Extract of a Letter from Mr. Barlow to the Secretary of State, dated Paris, Dec. 19, 1811.

“ SINCE the date of my last (21st November) I have had many interviews with the minister of foreign relations. I have explained several points, and urged every argument for as speedy an answer to my note of the 10th, as its very serious importance would allow. He always treats the subject with apparent candour and solicitude, seems anxious to gain information, declares that neither he nor the emperour had before understood American affairs in the

light in which they now appear, and always assures me that he is nearly ready with his answer.

“ But he says the emperor’s taking so long a time to consider it and make up his decision, is not without reason, for it opens a wide field for meditation on very interesting matters. He says the emperor has read the note repeatedly and with great attention ; that he told him the reasoning in it was every where just and the conclusions undeniable ; but to reconcile its principles with his continental system, presented difficulties not easy to remove.

“ From what the emperor told me himself at the last diplomatick audience, and from a variety of hints and other circumstances remarked among the people about his person, I have been made to believe that he is really changing his system relative to our trade, and that the answer to my note will be more satisfactory than I had at first expected. But the unexpected and unreasonable delay has almost discouraged me of late.

“ I am extremely anxious to despatch the frigate, and had I imagined the delay would have been so great, I would not have ordered her to return after landing Mr. Russell in England. There is however a kind of consolation thus far : the captain writes me, that had she been ready to sail three weeks ago, the weather has been such ever since that she could not have left the port by this time.

“ I hope, and am pretty certain now, that I shall despatch the messenger, Mr. Morris, in five or six days at latest.

“ I send this by a Mr. Odin, of Boston, by way of England. I have given him a passport as bearer of despatches, and he goes by Morlaix, without expense to the United States.”

No. 5.

Extract of a Letter from Mr. Barlow to the Secretary of State, dated Paris, Dec. 31, 1811.

“ I HAVE now the honour to send you the answer of the duke of Bassano, to my note of the 10th November, accompanied by a triplicate copy of that note.

This answer, if understood in its most liberal sense, may doubtless be considered full and satisfactory as a basis for the future commercial relations between the two countries; for we can ask nothing better than a perfect reciprocity of advantages in those relations. But although an official declaration of the emperor's intention and readiness to conclude a treaty on such principles, may be fairly taken as an adoption of the principles; yet considering the irritation of the public mind in the United States, arising from recent injuries, and the difficulty with which it can be brought to believe in a change of system, so suddenly adopted and so vaguely announced, I thought it best to obtain, if possible, a more precise declaration as to certain points which had created so much difficulty.

Accordingly I asked an interview with the duke for the 28th. I went to him on that day with a paper in my hand, of which I here enclose a translation.

My intention was to induce him to sign that paper, or the principles it contained, either in its present form or in such other form as he might deem more consonant with the dignity of his government, such as putting them into the answer to a letter which I might write him, if he should think that the most eligible method.

After we had read over the paper together, and I had explained the motives of my proposition, he replied that every one of those principles was adopted by the emperor and would enter into the treaty, and therefore it would be useless to announce them in a separate declaration. I endeavoured to convince him of the advantages that would result to France as well as the United States from an immediate restoration of confidence among the American merchants. The great want of flour in France as well as Spain, and the accumulation of French produce perishing on hand for want of foreign commerce were sufficient reasons for seizing the first occasion, not inconsistent with the emperor's general system, for giving activity to neutral capital in the ports of the empire.

He then copied the heads of my paper and said he would lay the proposition before the emperor, and give me an

answer the next day. I did not, however, get this answer till last night. He then invited me to an interview ; and after reading over the paper as before, and commenting on every clause, he declared the emperour's decision precisely to the following effect : “ It is not proper for me to sign this declaration ; but you may notify it to your government, word for word, as if it were signed ; for the principles are all adopted, and from this day forward they will be in operation. I have given the order to the chief of the customs for what concerns his department ; the court of prizes is ordered to expedite its part of the business, and I shall instruct the consuls to give the certificates of origin. But you will observe this regards only the produce of the United States. Colonial produce cannot for the present be admitted, even in a French vessel, on a simple certificate of origin, without a special license.”

I then desired him to cause one more order to be given from the proper department, to the effect of repressing the rapacity of privateers. The emperour owed it to his own dignity to order his courts to subject, at least, to cost and damages the owners of such privateers as should capture innocent ships without a pretext ; a business that was long known to be carried on, as well it might be, under the present system of certain impunity, with the sure prospect of a great deal of partial plunder, and the hope of an advantageous compromise with the claimants. He acknowledged that something ought to be done in the case.

His observation on colonial produce induced me to bring up again the subject of special licenses, repeating what I had often stated before, the just objection that the President had instructed me to insist upon against that system. He said that if the President desired it, it should be discontinued ; but they had not yet been able to find a substitute. He declared to me, as he has often done before, that the emperour would do any thing on this subject that should be most agreeable to the United States, provided it did not open a door to the introduction of English produce.

He always insists upon it, that the special licenses are

a clear advantage, as far as they go, to the commerce and navigation of the United States. The system is an extension of favour to them, in as much as it relaxes the principle of the French navigation act, which confines the carrying trade of the colonies to French ships.

He added that the emperor did not pretend that this was out of pure friendship to the Americans. "We have need of coffee and sugar—we can get our supply in this way; but if you can point out another that shall be more agreeable to the President, without giving us the produce of English colonies, we shall adopt it."

Thus I think, sir, you have the whole idea before you, and I should be glad to receive your farther instructions on the subject.

Should it be the intention of the President that I should proceed in the treaty of commerce, it will be necessary likewise to give me instructions as precise as may be on all the essential points that you wish to enter into it.

[ENCLOSED IN NO. 5.]

Translation of a Letter from the duke of Bassano to Mr. Barlow, dated Paris, December 27, 1811.

THE undersigned, minister of foreign relations, has laid before his majesty the emperor and king, the note which Mr. Barlow, minister plenipotentiary of the United States of America, addressed to him on the 10th of last month.

If, since the revocation of the decrees of Berlin and Milan, the commerce between France and the United States has had but little activity, the cause must be sought for in the outrages which the British government has exercised against the flag of the United States and against the French flag, and in the cruisers (*croisières*) which it has established on the ocean and on the Mediterranean, on the coasts of France, and on those of America.

The undersigned has in his bureau a memorandum of a great number of American vessels taken at the entrance of the rivers of France, and the English papers every day mention that these vessels are condemned and delivered up

to the captors, for having violated the blockade of 1806, or other orders of the British council.

Those American vessels which have escaped the enemy, and have entered the ports of France, have sold their merchandise to advantage, have taken return cargoes, and realized a profit on them, notwithstanding the enormous insurance they have been obliged to pay on account of the risk they run from British cruisers.

If the flag of the United States was respected ; if it enjoyed the rights guaranteed to the navigation of neutrals by the law which has existed from time immemorial on this subject, and of which the treaty of Utrecht has especially recognised the principles, the commerce between the two countries would have its full development, and the relations of the citizens of the United States, with the empire, would open to their activity, sources of considerable profit.

In fact the tariff of the 5th August, established duties which are paid by the consumers, and which can have no other influence than on the price of the articles. The duties of two or three hundred per cent. laid in England on wines, on teas, and on many other articles, for a long time past, are, in like manner, nothing more than duties of consumption, which have no other effect than to raise the price, without, in any manner, injuring the commerce in them.

The merchants of the United States are not subjected in France to any duties, or to any obligations that are not equally imposed on French commerce, of which they moreover partake all the advantages. And whilst, in the United States, cargoes imported in French vessels pay ten per cent. more than if they had been imported in American vessels, the flag of the United States is treated in France as the imperial flag.

Nevertheless, a treaty of commerce, bottomed on the principle of a perfect reciprocity, could not fail to be entirely advantageous to both countries. The undersigned is authorized to negotiate, conclude, and sign such a treaty. It is with a lively satisfaction that he makes known to the minister plenipotentiary of the United States,

the intentions of his majesty on this important object. The United States will be entirely satisfied on the pending questions (*questions actuelles*) and there will be no obstacle to their obtaining the advantages they have in view, if they succeed in making their flag safe.

The undersigned has the honour to renew to Mr. Barlow, minister plenipotentiary of the United States, the assurance of his high consideration.

(Signed) THE DUKE OF BASSANO.

[ENCLOSED IN NO. 5.]

THE minister plenipotentiary of the United States, and the undersigned minister of foreign relations, being respectively authorized and now ready to negotiate and conclude a treaty of commerce between the two countries, and as several months must elapse before such a treaty can be completed and ratified, during which time their commercial interests may suffer loss from the uncertainty now existing in the United States relative to certain points that are intended to enter into that treaty, the undersigned declares it to be the emperor's pleasure that in this interval the commerce of the United States in their own produce and that of the French colonies shall be free in his ports: that is to say, the formalities necessary to prove the property and origin of the goods, shall be as simple and expeditious as the nature of the cases will permit.

No cause whatever shall warrant the capture or detention of an American vessel at sea, or her seizure in a French port, or in any other port by French authority, but a well grounded suspicion of forgery in her papers.

No other papers shall be required but the passport and clearance by the American authorities, and a certificate of origin by a French consul; and the French consuls in the United States are ordered to give such certificates.

His majesty will cause the liberation of all the remaining ships and cargoes now in his ports belonging to American citizens, as fast as the necessary inquiries, now going on, shall prove them to be such.

[ENCLOSED IN MR. BARLOW'S NO. 5.]

*Translation of a Letter from the Duke of Bassano to
Mr. Barlow, dated Paris, Dec. 21, 1811.*

SIR,

I HAVE the honour to announce to you that his majesty the emperor, by a decision of the 12th of this month, has ordered to be placed at the disposition of their government, twenty-three Americans, whom the town of Dantzick had by mistake comprised in a levy of sailors it had to furnish to France. These sailors had been sent to Antwerp, and afterwards to Rochefort, and these successive removals having rendered impracticable the immediate proof of their citizenship, every decision on that subject was necessarily deferred.

The usage is to deliver to the nearest consul those who are claimed by his government, therefore, the twenty-three American sailors could not be sent directly from Rochefort to Cherbourg, as you desired, but the minister of marine has directed the maritime prefect of Rochefort to have them struck off the rolls, and to send them to Rochelle, there to be put at the disposition of the consul of the United States.

I hasten, sir, to apprise you of this, and I have the honour to renew the assurance of my high consideration.

(Signed)

THE DUKE OF BASSANO.

No. 6.†

*Mr. Barlow to the Secretary of State. Paris, January
4, 1812.*

SIR,

THOUGH Mr. Morris has been gone thirty-six hours, I send this by the mail, to take its chance of reaching Cherbourg before the sailing of the frigate, just to say that Mr. Biddle, the messenger by the Hornet, has reached me. I have scarcely had time to open the packets, but shall lose

† Not numbered by Mr. Barlow.

no time in obeying your instructions as far as I am able, as soon as I find what they are. And I hope not to detain the *Hornet* after her return from England.

With great respect and attachment, your obedient servant,
(Signed) J. BARLOW.

[TRANSLATION.]

Copy of a Letter from the Duke of Bassano to Mr. Barlow, dated Paris, Jan. 8, 1812.

SIR,

You did me the honour to apprise me on the 15th of December, that a certain number of Americans, making part of the crews of different vessels captured and carried into our ports, found themselves detained in France as prisoners of war. Evidence taken on their persons and on board the vessels in which they served, denotes that eight among them have been seized under a neutral flag. These named *Joel Wicker*, *Judah Swift*, *Herman Dickinson*, served on board the American ship *Friendship*. *Littleton Addison*, *William Banks*, *Martin Kelly*, and *Richard Miller*, belonged to the American ship *Spanish Lady*; and *John Beadley* to the Pappenburgh vessel the *Catharine*.

His majesty the emperour, upon the report which I have presented to him, has ordered that these eight seamen, whatever may have been the causes of the capture of their vessels, be placed at the disposition of their government.

The ancient decisions applicable to all seamen making part of the crew of an *enemy vessel*, whatever may be their citizenship, (*nationalité*) do not permit to be extended to American seamen found under such circumstances, the friendly measure of which I have the honour to inform you.

Accept, sir, the assurances of my high consideration.

(Signed) THE DUKE OF BASSANO.

JOEL BARLOW, Esq. &c.

No. 6.

Extracts of a Letter from Mr. Barlow to the Secretary of State, dated Paris, Jan. 28, 1812.

“ IN consequence of the note of the minister of foreign relations, (of which I had the honour of sending you a copy by the frigate, and now send another copy) announcing that he was authorized to negotiate and sign a treaty of commerce on principles of perfect reciprocity, I had some personal conferences with him on the nature of those principles. I then drew up the project of a treaty, and sent it to him on the 17th inst.

“ I have reason to presume that in a short time, say three or four weeks, the work may be finished, and the treaty ready to be submitted to the President. This being a matter of so much importance in itself, so essential when finished to have it despatched as soon as possible by the safest and swiftest conveyance, and so improbable that at the time contemplated, I shall be able to find any such conveyance but by a publick ship, that I have concluded to detain the *Hornet*.

“ Having ventured on this resolution, I am now anxious to impart it to you with the copies above mentioned, as soon as possible, and for this purpose I send the *Hornet* with this despatch to England, desiring Mr. Russell to forward it with such expedition and safety as may be in his power, as none can be had at present from this country.

“ The affair of the *Acostus*, now terminated, will be at least one more proof that the obnoxious decrees are in good faith annulled.

“ The ship *Acostus*, captain Cottle, loaded with tobacco, and bound from Norfolk to Tonningen, was boarded by an English frigate and afterwards taken by a French privateer, and brought into Fecamp, for the fact of having been thus boarded. As soon as the emperor was informed of this by my letter of the 2d December to the duke of Bassano, he ordered the ship and cargo to be restored to her owner; all which I had the honour to state to you, and I now state it to Mr. Russell.”

No. 7.

Extract of a Letter from Mr. Barlow to the Secretary of State, dated Paris, February 8, 1812.

“HAVING an opportunity to send to London, which cannot be entirely relied upon for safety, I shall do little more than send you a copy of my last despatch.

“Since its date I have had several conversations with the minister of foreign relations relative to the progress of the treaty. He is at work upon it, and probably in good earnest; but the discussions with Russia and the other affairs of this continent, give him and the emperor so much occupation, that I cannot count upon their getting on very fast with ours.

“But he endeavours to assure me that it shall not suffer much delay, and that most of the essential points that I insist upon will be agreed to. These declarations, however, are not sufficiently precise to be relied upon.

“The Hornet sailed from Cherbourg the 1st of February, and may be expected back in a very few days.”

No. 8.

Extract of a Letter from Mr. Barlow to the Secretary of State, dated March 3, 1812.

“THE Hornet returned to Cherbourg the second time, about the 15th of February, where she yet remains, and where I am under the painful necessity of detaining her still longer, or of sending her home without the treaty. The alternative is disagreeable; but I do not hesitate, under all circumstances, to detain her. It is in the hope that we shall bring the affair to a conclusion in time for her to arrive with the treaty before Congress will adjourn.

“Be assured that I spare no pains and omit no argument in urging forward this business.

“Mr. Russel has written me again for additional proofs of the removal of the decrees. I have the honour to enclose to you a copy of my answer to him of yesterday, which I shall send by the same ship that takes this despatch, (the Neptune, for New York.) The captain, Hop-

kins, has promised to put the messenger, Mr. Frean, of South Carolina, on shore in England, without expense to the government.’’

[COPY.] [ENCLOSED IN NO. 8.]

Mr. Barlow to Mr. Russel. March 2, 1812.

It seems, from a variety of documents that I have seen, and among others the decision of Sir William Scott, in the case of the ship Fox, that the British government requires more proof of the effectual revocation by the French government of the Berlin and Milan decrees. Though it is not easy to perceive what purpose such additional proof is to answer, either for obtaining justice or for showing why it is refused, yet I herewith send you a few cases in addition to what have already been furnished.

Among these I believe you will find such as will touch every point that was contemplated in those decrees, to prove them all to have been removed. If not, and still farther proof after this should be deemed necessary, I can doubtless furnish it, for the subject is not exhausted, though your patience may be.

1. The schooner Fly, Adams, of and from New York, loaded with cotton, sugar and coffee, bound to St. Petersburg, taken by an English cruiser, and carried into Cowes, thence released, came into Havre, declared the facts as above, entered, sold her cargo, reloaded with fresh goods, and departed without molestation.

2. The brig Ann Maria, of and from New York, D. Campbell, master, bound to a port in France, loaded with potash, cotton, staves, put into Falmouth, then came to Morlaix, entered, sold, bought, reloaded and departed as above.

3. The ship Neptune, Hopkins, bound from London to Charleston, in ballast, taken, brought into Deipzie, restored by a decree of the emperor, and departed again in ballast.

4. Ship Marquis de Somervellas, with indigo, fish, cotton, bound to Civitta Vecchia, boarded by a British fri-

gate, arrived at her port, declared the fact, entered, sold, and is now reloading for the United States.

5. Ship *Phœbe*, from Boston to Civitta Vecchia, colonial produce, boarded as above, arrived, entered, sold, and is now reloading for departure.

6. Ship *Recovery*, of Boston, with pepper, boarded, arrived, entered, and treated as above at the same place; now selling her cargo.

7. Brig *Star*, bound to Naples with colonial produce, taken and carried into Toulon, for having touched at Gibraltar, under pretence of a violation of the decrees, and restored by the emperor, on the express ground that the decrees no longer existed, as applicable to the United States.

It would be wrong to allege that any of these vessels were protected by special licenses. In the first place, only three of the seven had licenses: those were the *Fly*, the *Phœbus* and the *Recovery*. Secondly, it is well known that licenses are not and never were given as protections against the effect of those decrees. The object of the licenses given to vessels of the United States is distinctly defined to be merely to guard against false papers, and to prove the regularity of the voyage. They are used only for colonial produce, and not at all for the produce of the United States, and we see in every instance that a vessel loaded wholly with produce of the United States, or in ballast, is respected by the government here. At least I know it has been so, in every instance, since my arrival in September last; and there have been, I doubt not, 30 or 40 such vessels in France within that period. But a vessel loaded with colonial produce, and sailing without a license, would be certainly confiscated, whether she had violated the supposed decrees or not. Indeed the regulation about licenses is not a maritime regulation, and it has nothing to do with neutral rights. It is, strictly speaking, *a relaxation of the French navigation act*, in favour of such particular persons as obtain them, to enable such persons to bring goods of an origin foreign to the United States into France.

It is the same as if a vessel of the United States should, by a special relaxation of the English navigation act, ob-

tain a license to bring Brazil sugars or French wines into England. Such a license would surely not be considered as a breach on the part of England of our neutral rights; neither would it be a breach of such rights to confiscate our vessels carrying such articles into England without a license. The violation of the navigation law, either of France or England, is not a neutral right, and therefore the punishment of such violation is not a breach of neutral right.

I have taken the liberty to be thus particular on this head, because in several instances, during the discussion with the ministers of the British government, I have seen a disposition in them to confound with the French maritime decrees, not only this affair of special licenses, but several regulations merely fiscal and municipal, bearing no relation to neutral rights or to the decrees in question.

I will terminate this statement by repeating the solemn declaration that I made to you in my letter of the 30th January, (and there is no impropriety in the repetition, since a greater length of time has given a wider scope to the declaration) that since my arrival in September last, there has not been a single instance of the application of the Berlin and Milan decrees to an American vessel or cargo, and that I have not heard of their having been so applied since the 1st of November, 1810, though many instances have occurred within that period, in which they must have been so applied, had they been in vigour.

It is difficult to conceive, probably impossible to procure, and certainly insulting to require a mass of evidence more positive than this, or more conclusive to every unprejudiced mind.

(Signed)

J. BARLOW.

JAMES MONROE, Esq. &c.

No. 9.

Extract of a Letter from Mr. Barlow to the Secretary of State, dated Paris, March 18, 1812.

“I HAVE scarcely been able to get an interview with the duke of Bassano, for the last fifteen days, though he has appointed several. He has disappointed me in most of them, and I am sure with reluctance. Last evening I ob-

tained a short audience, in which he declared that his great work of this continent was now finished, and he would be able after to-morrow, to devote himself very much to the treaty with the United States, till it should be completed. And I left him rather with a hope than the full expectation, that he will have it in his power to keep his promise."

No. 9.

Extract of a Letter from Mr. Barlow to the Secretary of State, dated Paris, March 16, 1812.

"SINCE I had the honour of writing to you yesterday, the Moniteur has come out with the senatus consultum of which I spoke. This I now enclose. This despatch goes by a safe hand to Bordeaux, there to be confided to some passenger, to go by one of our fast sailing schooners. You will notice that the minister, in his report, says nothing particular of the United States, and nothing more precise than heretofore of the revocation of the decrees.

"This furnishes an additional motive for using all my efforts to get the treaty through; carrying with it an unequivocal stipulation that shall lay that question to rest. Its importance is surely sufficient to warrant my detaining the Hornet.

"The emperour did not like the bill we have seen before Congress, for admitting English goods contracted for before the non-importation law went into operation.

"I was questioned by the duke of Bassano on the bill, with a good deal of point when it first appeared; and I gave such clear and decided explanations, as I thought at the time would remove all uneasiness. But I have since heard that the emperour is not well satisfied. If Congress had applied its relieving hand to individual cases only, and on personal petitions, it would have excited no suspicion.

"In consequence of my repeated remonstrances in cases of condemnation of American cargoes, on frivolous, or false pretences, I think the career is somewhat arrested, and they now show a disposition to revise the judgments. The Betsey, the Ploughboy, and the Ant, are ordered for revision. The Belisarius is in progress, and is likely to be

liberated, as you will learn by the correspondence I now have the honour to enclose, respecting that case."

[Note. Mr. Barlow's letters of the 15th and 16th of March are both marked No. 9, by him.]

[ENCLOSED IN NO. 9, OF MARCH 16.]

Copy of a Letter from Mr. Barlow to the Duke of Bassano, dated February 6, 1812.

MY LORD,

I UNDERSTAND that the brig *Belissarius*, of New York, captain Lockwood, and her cargo, is about to be confiscated, after a report made to his majesty, because this vessel and her cargo are liable to the decree of Milan, of the 17th December, 1807.

As I know positively that this American vessel left New York the 17th of June, 1811, seven months after the revocation of the decrees of Milan and Berlin, laden with permitted articles, the produce of the soil of the United States, I am unable to account for this decision, without attributing it to an error of date committed in the report, in which it is possible that the year 1810, has been taken for the year 1811.

I take the liberty, therefore, to submit this remark to your excellency, well persuaded, if there has been an error in the report, the justice of his majesty will order a revision of the affair. I pray your excellency, &c. &c.

(Signed)

JOEL BARLOW.

His excellency the Duke of Bassano, &c. &c.

Copy of a Letter from Mr. Barlow to the Duke of Bassano, dated Paris, March 12, 1812.

THE undersigned, minister plenipotentiary of the United States, has the honour to transmit, here enclosed, to his excellency the duke of Bassano, minister of foreign relations, copies of the protests of Thomas Holden, master of the American brig *Dolly*, of New York, and Stephen Bayard, master of the American ship *Telegraph*, of New York, by which his excellency will learn that these vessels have been met with at sea, by his imperial and royal ma-

jesty's ships the Medusa, captain Rael, and the Nymph, captain Plasson, who, after having plundered them of a part of their cargoes, destroyed the remainder by burning the ships.

It is a painful task to the undersigned, to be obliged so frequently to call the attention of his excellency to such lawless depredations. It appears to him, that in the whole catalogue of outrages on the part of the cruisers of the belligerents, of which the United States have such great and just reason to complain, there are none more vexatious and reprehensible than this.

Upon what ground can such spoliations be justified? Will it be alleged that the destruction of these vessels was necessary in order to prevent their carrying information to the enemy, and thereby endanger the safety of these frigates upon a trackless ocean? this would be a poor defence. After boarding these peaceful traders, they might easily have led their course south, when they intended to go north. They could even have maintained their assumed character of British ships, under which it seems they began the commission of these flagrant acts, and thus have prevented all information of their cruising in those latitudes.

But it appears, that plunder, and not safety was the object for which they have thus disgraced the imperial flag. For his excellency will probably have learnt from Brest, where the frigates entered, that the twenty boxes of spices and other articles taken from the Telegraph, were smuggled on shore, and it is said were sold for the benefit of the equipage of the Medusa.

Thus is the property of citizens of the United States, seized, condemned and sold by officers in the imperial navy, who become at once captors, judges and vendors of the property of unoffending neutrals. Such disgraceful violations of every principle on which nations consent to live in peace, ought never to go unpunished, and surely in this case they will not.

The undersigned, therefore, most earnestly calls on his excellency, the minister of foreign relations, as the official

guardian of publick right, to lay a statement of this outrage before his majesty, in such a point of view as shall produce a speedy compensation to the captains Holden and Bayard, and the owners of the ships and cargoes, for the losses they have sustained; and his majesty will doubtless take measures to avenge the dignity and signalize the justice of his government by punishing such a crime in a manner to prevent its repetition.

The valuation of the Dolly and her cargo, and of the Telegraph and her cargo, is herewith enclosed: the delay in obtaining these valuations has retarded for some weeks the presentation of this letter; and the undersigned cannot but indulge the hope that his excellency will now give as early attention to the whole of the case, as its importance manifestly demands.

The undersigned begs his excellency, &c.

(Signed) J. BARLOW.

His Excellency the Duke of BASSANO, &c.

[ENCLOSED IN NO. 9, OF MARCH 16.]

Translation of a Letter from the Duke of Bassano to Mr. Barlow, dated Paris, March 15, 1812.

SIR,

I HAVE had the honour of informing you that the case of the ship *Bellisarius* was terminated, and that I had advised the minister of commerce of the intentions of his majesty.

It having been ascertained, on the first examination of this affair, that the ownership (*Le Pour Compte*) of a great part of the cargo was not proven, and this irregularity, as well as the insufficiency of the papers on board, being a formal contravention of the rules of navigation, generally adopted and established at all times, the decision to which this part of the cargo might be liable, had, at first, extended beyond it. But on a circumstantial report which I had the honour of presenting to the emperour, his majesty, who likes to carry into the examination of all the affairs on which you address me, friendly dispositions, has ordered that the different questions which were submitted to him should be separated, to the end that a decision may be had,

in the first place, on those which present themselves under the most favourable aspect.

In consequence, sir, the vessel and the part of the cargo of which the ownership (*Le Pour Compte*) is proven, will be given up to the proprietors; and as to the other articles of the cargo which are not accompanied with the same kind of proof, the necessary time and facilities will be given to establish the fact of their being American property conformably to the ancient rules.

Accept, sir, the assurance of my high consideration.

(Signed)

THE DUKE OF BASSANO.

No. 10.

Extracts of a Letter from Mr. Barlow, to the Secretary of State, dated Paris, April 22, 1812.

“ I AM obliged at last to dismiss the *Hornet* without the expected treaty, which I should have regretted more than I do if your despatches which I have had the honour to receive by the *Wasp*, had not somewhat abated my zeal in that work.

“ It really appeared to me that the advantages of such a treaty as I have sketched would be very great, and especially if it could be concluded soon.”

“ It is true that our claims of indemnity for past spoliations should be heard, examined and satisfied, which operation should precede the new treaty, or go hand in hand with it. This is dull work, hard to begin, and difficult to pursue. I urged it a long time without the effect even of an oral answer. But lately they have consented to give it a discussion, and the minister assures me that something shall be done to silence the complaints, and on principles that, he says, ought to be satisfactory.

“ I shall not venture to detain the *Wasp* more than two or three weeks; and I hope by that time to have something decisive to forward by her.

“ From some expressions in your letters I am in hopes of receiving soon some more precise instructions on these subjects.

“ My communication with England, by Morlaix, is almost entirely cut off. It is not so easy to send to London, unless by one of our own publick ships, as it is to the United States. I now send your despatches and my own to Mr. Russell, by a messenger in the *Hornet*, whom I shall desire captain Lawrence to put on shore or into a pilot boat on the coast of England.

“ This messenger, with Mr. Biddle, will leave Paris this night for Cherburg, where the *Hornet* is ready to receive them.”

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS, RECOMMENDING AN IMMEDIATE DECLARATION OF WAR AGAINST GREAT BRITAIN. JUNE 1, 1812.

I COMMUNICATE to Congress certain documents, being a continuation of those heretofore laid before them, on the subject of our affairs with Great Britain.

Without going back beyond the renewal, in 1803, of the war in which Great Britain is engaged, and omitting unrepaid wrongs of inferior magnitude, the conduct of her government presents a series of acts, hostile to the United States as an independent and neutral nation.

British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it; not in the exercise of a belligerent right, founded on the law of nations against an enemy, but of a municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels, in a situation where no laws can operate but the law of nations, and the laws of the country to which the vessels belong; and a self-redress is assumed, which, if British subjects were wrongfully detained and alone concerned, is that substitution of force, for a resort to the responsible sovereign, which falls with-

in the definition of war. Could the seizure of British subjects, in such cases, be regarded as within the exercise of a belligerent right, the acknowledged laws of war, which forbid an article of captured property to be adjudged, without a regular investigation before a competent tribunal, would imperiously demand the fairest trial, where the sacred rights of persons were at issue. In place of such a trial, these rights are subjected to the will of every petty commander.

The practice, hence, is so far from affecting British subjects alone, that, under the pretext of searching for these, thousands of American citizens, under the safeguard of publick law, and of their national flag, have been torn from their country, and from every thing dear to them; have been dragged on board ships of war of a foreign nation, and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

Against this crying enormity, which Great Britain would be so prompt to avenge if committed against herself, the United States have in vain exhausted remonstrances and expostulations. And that no proof might be wanting of their conciliatory dispositions, and no pretext left for a continuance of the practice, the British government was formally assured of the readiness of the United States, to enter into arrangements, such as could not be rejected, if the recovery of British subjects were the real and the sole object. The communication passed without effect.

British cruisers have been in the practice also of violating the rights and the peace of our coasts. They hover over and harass our entering and departing commerce. To the most insulting pretensions, they have added the most lawless proceedings in our very harbours; and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. The principles and rules enforced by that nation, when a neutral nation, against armed vessels of belligerents hovering near her coasts, and disturb-

ing her commerce, are well known. When called on, nevertheless, by the United States, to punish the greater offences committed by her own vessels, her government has bestowed on their commanders additional marks of honour and confidence.

Under pretended blockades, without the presence of an adequate force, and sometimes without the practicability of applying one, our commerce has been plundered in every sea; the great staples of our country have been cut off from their legitimate markets; and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures, they have been considered as in force from the dates of their notification; a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal, these mock blockades have been reiterated and enforced in the face of official communications from the British government, declaring, as the true definition of a legal blockade, "that particular ports must be actually invested, and previous warning given to vessels bound to them, not to enter."

Not content with these occasional expedients for laying waste our neutral trade, the cabinet of Great Britain resorted, at length, to the sweeping system of blockades, under the name of orders in council; which has been moulded and managed, as might best suit its political views, its commercial jealousies, or the avidity of British cruisers.

To our remonstrances against the complicated and transcendant injustice of this innovation, the first reply was, that the orders were reluctantly adopted by Great Britain, as a necessary retaliation on decrees of her enemy, proclaiming a general blockade of the British isles, at a time when the naval force of that enemy dared not to issue from his own ports. She was reminded, without effect, that her own prior blockades, unsupported by an adequate naval force actually applied and continued, were a bar to this plea: that executed edicts against millions of our property could not be retaliation on edicts, confessedly impossible to be executed: that retaliation, to be just, should fall on

the party setting the guilty example, not on an innocent party, which was not even chargeable with an acquiescence in it.

When deprived of this flimsy veil for a prohibition of our trade with her enemy, by the repeal of his prohibition of our trade with Great Britain, her cabinet, instead of a corresponding repeal, or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States, until the markets of her enemy should be laid open to British products; thus asserting an obligation on a neutral power to require one belligerent to encourage, by its internal regulations, the trade of another belligerent; contradicting her own practice towards all nations, in peace as well as in war; and betraying the insincerity of those professions which inculcated a belief, that having resorted to her orders with regret, she was anxious to find an occasion for putting an end to them.

Abandoning, still more, all respect for the neutral rights of the United States, and for its own consistency, the British government now demands, as pre-requisites to a repeal of its orders as they relate to the United States, that a formality should be observed in the repeal of the French decrees, no wise necessary to their termination, nor exemplified by British usage; and that the French repeal, besides including that portion of the decrees which operate within a territorial jurisdiction, as well as that which operates on the high seas against the commerce of the United States, should not be a single and special repeal in relation to the United States, but should be extended to whatever other neutral nations, unconnected with them, may be affected by those decrees. And, as an additional insult, they are called on for a formal disavowal of conditions and pretensions advanced by the French government, for which the United States are so far from having made themselves responsible, that, in official explanations, which have been published to the world, and in a correspondence of the American minister at London with the British minister for foreign affairs, such a responsibility was explicitly and emphatically disclaimed.

It has become, indeed, sufficiently certain, that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain ; not as supplying the wants of her enemies, which she herself supplies ; but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend, that she may the better carry on a commerce with an enemy ; a commerce polluted by the forgeries and perjuries, which are for the most part the only passports by which it can succeed.

Anxious to make every experiment, short of the last resort of injured nations, the United States have withheld from Great Britain, under successive modifications, the benefits of a free intercourse with their market, the loss of which could not but outweigh the profits accruing from her restrictions of our commerce with other nations. And to entitle these experiments to the more favourable consideration, they were so framed as to enable her to place her adversary under the exclusive operation of them. To these appeals her government has been equally inflexible, as if willing to make sacrifices of every sort, rather than to yield to the claims of justice, or renounce the errors of a false pride. Nay, so far were the attempts carried, to overcome the attachment of the British cabinet to its unjust edicts, that it received every encouragement, within the competency of the executive branch of our government, to expect that a repeal of them would be followed by a war between the United States and France, unless the French edicts should also be repealed. Even this communication, although silencing for ever the plea of a disposition in the United States to acquiesce in those edicts, originally the sole plea for them, received no attention.

If no other proof existed of a predetermination of the British government against a repeal of its orders, it might be found in the correspondence of the minister plenipotentiary of the United States at London and the British secretary for foreign affairs, in 1810, on the question whether the blockade of May, 1806, was considered as in force, or

as not in force. It had been ascertained that the French government, which urged this blockade as the ground of its Berlin decree, was willing, in the event of its removal, to repeal that decree; which being followed by alternate repeals of the other offensive edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed so often to be the desire of both the belligerents, was made known to the British government. As that government admits that an actual application of an adequate force, is necessary to the existence of a legal blockade, and it was notorious, that if such a force had ever been applied, its long discontinuance had annulled the blockade in question, there could be no sufficient objection on the part of Great Britain to a formal revocation of it; and no imaginable objection to a declaration of the fact, that the blockade did not exist. The declaration would have been consistent with her avowed principles of blockade; and would have enabled the United States to demand from France the pledged repeal of her decrees; either with success, in which case the way would have been opened for a general repeal of the belligerent edicts; or without success, in which case the United States would have been justified in turning their measures exclusively against France. The British government would, however, neither rescind the blockade, nor declare its non-existence; nor permit its non-existence to be inferred and affirmed by the American plenipotentiary. On the contrary, by representing the blockade to be comprehended in the orders in council, the United States were compelled so to regard it, in their subsequent proceedings.

There was a period when a favourable change in the policy of the British cabinet, was justly considered as established. The minister plenipotentiary of his British majesty here, proposed an adjustment of the differences more immediately endangering the harmony of the two countries. The proposition was accepted with the promptitude and cordiality, corresponding with the invariable professions of this government. A foundation appeared to be

laid for a sincere and lasting reconciliation. The prospect, however quickly vanished. The whole proceeding was disavowed by the British government without any explanations, which could, at that time, repress the belief, that the disavowal proceeded from a spirit of hostility to the commercial rights and prosperity of the United States. And it has since come into proof that at the very moment, when the publick minister was holding the language of friendship, and inspiring confidence in the sincerity of the negotiation with which he was charged, a secret agent of his government was employed in intrigues, having for their object, a subversion of our government, and a dismemberment of our happy Union.

In reviewing the conduct of Great Britain towards the United States, our attention is necessarily drawn to the warfare, just renewed by the savages, on one of our extensive frontiers; a warfare, which is known to spare neither age nor sex, and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have for some time been developing themselves among tribes in constant intercourse with British traders and garrisons, without connecting their hostility with that influence, and without recollecting the authenticated examples of such interpositions, heretofore furnished by the officers and agents of that government.

Such is the spectacle of injuries and indignities, which have been heaped on our country; and such the crisis which its unexampled forbearance and conciliatory efforts, have not been able to avert. It might, at least have been expected, that an enlightened nation, if less urged by moral obligations, or invited by friendly dispositions on the part of the United States, would have found, in its true interest alone, a sufficient motive to respect their rights and their tranquillity on the high seas; that an enlarged policy would have favoured that free and general circulation of commerce, in which the British nation is at all times interested, and which, in times of war, is the best alleviation of its calamities to herself, as well as to other belligerents; and

more especially that the British cabinet would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures, which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

Other councils have prevailed. Our moderation and conciliation have had no other effect than to encourage perseverance, and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence committed on the great common and highway of nations, even within sight of the country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts, no longer the organs of publick law, but the instruments of arbitrary edicts; and their unfortunate crews dispersed and lost, or forced or inveigled, in British ports, into British fleets; whilst arguments are employed, in support of these aggressions, which have no foundation but in a principle, equally supporting a claim to regulate our external commerce, in all cases whatsoever.

We behold, in fine, on the side of Great Britain, a state of war against the United States; and on the side of the United States, a state of peace towards Great Britain.

Whether the United States shall continue passive under these progressive usurpations, and these accumulating wrongs; or, opposing force to force in defence of their national rights, shall commit a just cause into the hands of the Almighty Disposer of events; avoiding all connections which might entangle it in the contests or views of other powers, and preserving a constant readiness to concur in an honourable re-establishment of peace and friendship, is a solemn question, which the constitution wisely confides to the legislative department of the government. In recommending it to their early deliberations, I am happy in the assurance, that the decision will be worthy the enlightened and patriotick councils of a virtuous, a free and a powerful nation.

Having presented this view of the relations of the United States with Great Britain, and of the solemn alternative growing out of them, I proceed to remark that the communications last made to Congress on the subject of our relations with France, will have shown, that since the revocation of her decrees, as they violated the neutral rights of the United States, her government has authorized illegal captures, by its privateers and publick ships; and that other outrages have been practised on our vessels and our citizens. It will have been seen also, that no indemnity had been provided, or satisfactorily pledged, for the extensive spoliations committed under the violent and retrospective orders of the French government, against the property of our citizens seized within the jurisdiction of France. I abstain at this time from recommending to the consideration of Congress, definitive measures with respect to that nation, in the expectation, that the result of unclosed discussions between our minister plenipotentiary at Paris and the French government, will speedily enable Congress to decide, with greater advantage, on the course due to the rights, the interests, and the honour of our country.

JAMES MADISON.

CORRESPONDENCE BETWEEN MR. FOSTER AND MR. MONROE,

Mr. Foster to Mr. Monroe. Washington, April 15, 1812.

SIR,

I HAVE the honour to acquaint you, that in addition to those seamen belonging to his majesty's hired armed ketch *Gleaner*, mentioned in my representation to you of the 30th ult. who lately received protection in the violation of their engagements, or were seduced from the service of his majesty by citizens of the United States, I have since been informed by lieut. Green, her commander, of another subject of his majesty, who was also induced to leave his majesty's service in consequence of encouragement to that effect from the inhabitants of Annapolis.

Such instances, sir, of improper attempts made on the part of citizens of the United States to deprive his majesty's ships, even when employed in the diplomatick intercourse between the two countries, of their seamen, will serve, in conjunction with many others in my power to quote, and perhaps in your remembrance, to show, that if the United States have reason at times to complain of irregularities in his majesty's officers in undesignedly taking their seamen, mistaking them for their own, we have occasionally also reason to make complaint of our seamen engaged on national service, and known as British subjects, being seduced from their allegiance by citizens of the United States, with circumstances of aggravation and insult highly irritating.

Although, sir, it has unfortunately not as yet been found practicable by our governments to agree to such arrangements as might preclude the possibility of events taking place so calculated to produce vexation on either side ; I cannot however but hope, that the government of the United States may find some means to prevent a recurrence of similar irregularities on the part of their citizens ; and I assure you, sir, that as hitherto, so at all times whenever you claim any persons on board any of his majesty's ships, as native American citizens, no exertion shall be wanting on my part to procure their discharge ; and I will add, that it would afford me very high satisfaction to be now furnished by you with a list of all those whom you can claim as such, in order that I might use every effort in my power to obtain their immediate release.

You need not, I am sure, sir, be reminded by me of the prompt attention which has invariably been given by his majesty's commanding officer on the Halifax station to the reclamations in similar cases, which I have transmitted since my arrival in the United States to him in your name, nor of the readiness with which he has given directions, when practicable, for their being instantaneously discharged. I have the honour, &c.

(Signed)

AUG. J. FOSTER.

*Mr. Monroe to Mr. Foster. Department of State, May
30, 1812.*

SIR,

HAVING had the honour to confer with you soon after the date of your letter of April 15th, relative to a deserter from his Britannic majesty's ship of war the *Gleaner*, it is unnecessary to repeat here the remarks which I then made on that subject. I shall only observe, that none of the men who deserted from that vessel had any encouragement to do it from the constituted authorities of the United States, or of the state of Maryland. If they received such encouragement from any of our citizens, it is a cause of regret ; but it is an act not cognizable by our laws, any more than it is presumed to be by those of Great Britain.

It is proper to state that a similar desertion took place last year from an American frigate in an English port, in which no redress was afforded. It was the more remarkable, as the deserter took refuge on board a British ship of war, the commander of which refused to surrender him on being requested to do so.

Your proffered exertions to procure the discharge of native American citizens from on board British ships of war, of which you desire a list, has not escaped attention.

It is impossible for the United States to discriminate between their native and naturalized citizens, nor ought your government to expect it, as it makes no such discrimination itself. There is in this office a list of several thousand American seamen who have been impressed into the British service, for whose release applications have, from time to time, been already made. Of this list a copy shall be afforded you, to take advantage of any good offices you may be able to render. I have, &c.

(Signed)

JAMES MONROE.

CORRESPONDENCE BETWEEN MR. MONROE AND MR. RUSSELL.

Mr. Monroe to Mr. Russell. Department of State, July 27, 1811.

SIR,

THIS letter will be delivered to you by Mr. Barlow, who is appointed to represent the united States at Paris, as their minister plenipotentiary. You will deliver to him the papers in your possession, and give him all the information in your power, relative to our affairs with the French government.

The President has instructed me to communicate to you, his approbation of your conduct in the discharge of the duties which devolved on you as charge d'affairs at Paris, after the departure of general Armstrong, which I execute with pleasure. As an evidence of his confidence and favourable disposition, he has appointed you to the same trust in London, for which I enclose you a commission. It is hoped that it may suit your convenience to repair to that court, and to remain there till a minister shall be appointed, which will be done as soon as the Congress convenes. The frigate which takes Mr. Barlow to France will pass on to some port in Holland, to execute a particular instruction from the secretary of the treasury, relative to our debt in that country. She will then return to France, and take you to such English port as may be most convenient to you.

Your services in France will have given you such knowledge of your duties at London, that I shall not go into detail in this communication respecting them. It is wished and expected that you and Mr. Barlow will communicate fully on the subject of your respective duties, and cooperate together in the measures which are deemed necessary to promote the just objects of the United States with the countries in which you will respectively represent them.

You will receive a copy of the notes of Mr. Foster on several important topics, and my answers to them, particularly on the British orders in council, the possession

taken by the United States of certain parts of West Florida, and the late encounter between the United States' frigate the President and the British sloop of war the Little Belt. It is hoped that the British government will proceed to revoke its orders in council, and thus restore, in all respects, the friendly relation which would be so advantageous to both countries. The papers relative to West Florida show the ground on which that question rests. The affair of the Little Belt cannot excite much feeling, as it is presumed, in England: the chase was begun by the British captain, he fired the first shot and the first broad side; to which it may be added, that the occurrence took place near our coast, which is sometimes infested by vessels from the West Indies, without commissions, and even for piratical purposes. It seems to be a right inseparable from the sovereignty of the United States to ascertain the character and nation of the vessels which hang on their coast. An inquiry is ordered into commodore Rogers' conduct, at his request, for the purpose of establishing all the facts appertaining to this occurrence.

You will be allowed an outfit for Paris, and half an outfit to take you to London.

Should you, by any circumstances be unable to proceed to London, which would be a cause of regret, you will be so good as to transmit, by a special messenger, the papers forwarded for you to Mr. Smith, who, in that event, will remain there.

You will receive enclosed a letter to Mr. Smith, to be delivered to him in case you go to London, as it is wished that your removal to London should not be imputed to a want of due respect for him. I have the honour, &c. &c.

(Signed)

JAMES MONROE.

JONATHAN RUSSELL, Esq. &c. &c.

Extract of a Letter from the Secretary of State to Mr. Russell, dated Department of State, Nov. 27, 1811.

"I HAD lately the honour to transmit to you a copy of the President's message to congress at the commencement

of the session, and of the documents which accompanied it, so far as they were then printed. In the papers now sent, you will receive a complete copy of that highly interesting communication.

“You will see by these documents the ground which has been taken by the executive, in consequence of the new ground taken by Great Britain. The orders in council are considered as war on our commerce, and to continue till the continental market is opened to British products, which may not be, pending the present war in Europe. The United States cannot allow Great Britain to regulate their trade, nor can they be content with a trade to Great Britain only, whose markets are already surcharged with their productions.

“The United States are, therefore, reduced to the dilemma, either of abandoning their commerce, or of resorting to other means more likely to obtain a respect for their rights. Between these alternatives, there can be little cause for hesitation.

“It will be highly satisfactory to learn that a change in the policy of Great Britain shall have taken place, and it is expected that you will avail yourself of every opportunity, and particularly of the return of this vessel, to communicate the most full and correct information on the subject.

“The *Hornet* will land a messenger in France who takes despatches to our minister in Paris, after which she will proceed to England and land there a messenger with despatches to you. It is desired that you will hurry her return to France with the greatest expedition possible, from whence she will hasten to the United States.”

Extract of a Letter from Mr. Russell to the Secretary of State, dated “London, November 22, 1811.

“I HAVE the honour to inform you that I reached London on the 12th of this month, and on the 15th waited on the marquis Wellesley, in pursuance to his appointment. His lordship said it was very uncertain when he should be able to present me to the prince regent, as his royal

highness had the day before met with an accident at Oatlands, which might prevent his return to town for some time.

“ Our conversation was of a very general character, and did not embrace with precision any of the questions in agitation between the two countries. His lordship once observed, that he hoped in the course of five or six weeks we might have some amicable discussion with each other.

“ Until I am otherwise instructed, I shall confine myself here to the exercise of the ordinary duties of the legation. After the proof which has been already produced of the revocation of the French decrees, it would probably do no good for me to make a statement on that subject, especially as I have nothing new to offer. Enough has already been said to convince those who were not predisposed to resist conviction.

“ The constitution left Portsmouth on the 21st instant for Cherbourg.”

Extract of a Letter from Mr. Russell to the Secretary of State, dated “ London December 23, 1811.

“ SINCE I wrote you on the 22d ultimo, nothing new in relation to the United States has occurred here.

“ Every thing remains in doubt with regard to a change of ministers, and much more so with regard to a change of measures.

“ I have not heard from Mr. Barlow since I left France, and do not know if the Constitution has yet left that country.

“ The newspapers which I transmit you herewith, contain the late occurrences, and to those I beg leave to refer you.”

Extract of a Letter from Mr. Russell, charge d'affaires of the United States at London, to the Secretary of State, dated “ London, January 10, 1812.

“ MR. TAYLOE, the messenger by the United States' ship Hornet, arrived in town on the third of this month, and delivered your despatches. I regret that I have nothing

of a satisfactory nature to communicate to you in return relative to a change of system here. I have detained Mr. Tayloe a few days, as the opening of parliament and the early debates might indicate the spirit and develop the views of the ministry with regard to us.

“ I have announced to the marquis Wellesley that the messenger will leave London on the 14th instant, and while I offered to take charge of any despatches which his lordship might wish to transmit by him, I availed myself of the occasion to state the high satisfaction it would afford me to be able to communicate to the American government by the same opportunity, the repeal, or such modification of the orders in council violating the rights of the United States, as would remove the great obstacle to free intercourse and perfect harmony between the two countries. I do not however flatter myself that this suggestion will produce any effect.”

Extract of a Letter from Mr. Russell to Mr. Monroe, dated “ London, January 14, 1812.

“ SINCE I had the honour to address you *via* Liverpool, on the 10th of this month, I have received no communication from this government.

“ The expectation of a change of ministry which was confidently entertained a few weeks since, appears to have vanished, and a hope of the extinguishment of the orders in council is very much diminished.”

Extract of a Letter from Mr. Russell to the Secretary of State, dated “ London, January 14, 1812.

“ I HAVE the honour to acknowledge the receipt of your two letters of the 27th of November last.

“ It would have afforded me the highest satisfaction to have been able to communicate to you by the return of the *Hornet*, the revocation of the orders in council. Hitherto, however, there has been exhibited here no disposition to repeal them.”

Copy of a Letter from Mr. Russell to the Secretary of State, dated London, January 14, 1812.

SIR,

I LAMENT that it is not in my power to announce to you by the return of Mr. Tayloe, the adoption of a system here towards the United States, more just and reasonable than that of which we now complain. No intimation has been given to me of an intention to abandon the offending orders in council. I have not hitherto made any representation in regard to those orders, and if they are to be persisted in, as Mr. Foster declares, not only until the Berlin and Milan decrees be *entirely* abrogated, but until we compel the French government to admit us in France with the manufactures and produce of Great Britain and her colonies, it must be useless to say any thing upon the subject. The revolting extravagance of these pretensions is too manifest to be the subject of argument, and the very attempt to reason them down would admit that they are not too absurd for refutation.

Should Mr. Barlow furnish me with any new evidence of the discontinuance of the French edicts, so far as they were in derogation of our rights, I shall present it to this government, and *once more* (however unnecessary it may appear) afford it an opportunity of revoking its orders, which can no longer be pretended to rest on our acquiescence in decrees of its enemy, from the unrighteous operation of which we are specially exempted. I have, &c.

(Signed)

JONATHAN RUSSELL.

JAMES MONROE, Esq. &c. &c.

Mr. Russell to Mr. Monroe. London, January 22, 1812.

SIR,

YESTERDAY I understood the case of the Female, one of the vessels captured under the orders in council, came to trial before Sir William Scott. He rejected a motion for time to produce evidence of the revocation of the Berlin and Milan decrees *in relation to the United States*, and suggested that there would be a question of law, if such revocation, when shown, would be considered by the

British government as sufficient to require the repeal of the orders in council. At any rate, that he was bound to consider these orders to be in force until their repeal should be notified to him by this government. The Female was condemned. I have the honour, &c. &c.

(Signed)

JONATHAN RUSSELL.

Hon. JAMES MONROE, &c. &c.

Extract of a Letter from Mr. Russell to the Secretary of State, dated "London, January 25, 1812.

"SINCE I had the honour to address you on the 14th instant by the Hornet, I have received no communication either from Washington or Paris.

"The Hornet did not leave Cowes until the 18th, owing, I presume, to the indisposition of the captain, whom I understand to have been very ill. I dismissed Mr. Tayloe here on the 14th."

Extract of a Letter from Mr. Russell to Mr. Monroe, dated "London, February 3, 1812.

"SINCE I had the honour to address you on the 25th ultimo, I have received your communication of the 20th December, through the good offices of Mr. Foster.

"While I lament the necessity, as I most sincerely do, of the course indicated by the proceedings of Congress, yet it is gratifying to learn that it will be pursued with vigour and unanimity. I am persuaded that this government has presumed much on our weakness and divisions, and that it continues to believe that we have not energy and union enough to make efficient war.

"I have this moment learnt that the Hornet has returned from Cherbourg to Cowes, and I understand by a letter from the consul there, that there is a Mr. Porter on board with despatches from Mr. Barlow for this legation, but he has not yet made his appearance here. I am obliged to close this letter without waiting for him, as I understand the next post may not arrive at Liverpool in season for the Orbit."

Copy of a Letter from Mr. Russell to the Secretary of State, dated London, February 9, 1812.

SIR,

I HAVE the honour to transmit to you enclosed, a copy of a letter, dated 29th ult. from Mr. Barlow, and a copy of the note in which I yesterday communicated that letter to the marquis Wellesley.

Although the proof of the revocation of the French decrees, contained in the letter of Mr. Barlow, is, when taken by itself, of no very conclusive character, yet it ought, when connected with that previously exhibited to this government, to be admitted as satisfactorily establishing that revocation; and in this view I have thought it to be my duty to present it here. I have the honour to be, &c. &c.

(Signed)

JONA. RUSSELL.

[ENCLOSED IN MR. RUSSELL'S OF FEB. 9, 1812.]

Mr. Russell to the Marquis Wellesley. London, February 8, 1812.

MY LORD,

I HAVE the honour herewith to hand to your lordship a copy of a letter addressed to me on the 29th of last month, by Mr. Barlow, the American minister at Paris.

I have felt some hesitation in communicating this letter to your lordship, lest my motive might be mistaken, and an obligation appear to be admitted on the part of the United States, to furnish more evidence of the revocation of the Berlin and Milan decrees than has already been furnished, or than has been necessary to their own conviction. I trust, however, that my conduct on this occasion will be ascribed alone to an earnest desire to prevent the evils which a continued diversity of opinion on this subject might unhappily produce.

The case of the *Acastus* necessarily implies that American vessels, captured by the cruisers of France, are adjudged by the French navigation laws only, and that the Berlin and Milan decrees make no part of these laws, the

Acastus being acquitted notwithstanding the fact of her having been boarded by an English vessel of war.

To the declaration of Mr. Barlow, that since his residence at Paris there had been no instance of a vessel, under either the Berlin or Milan decrees, being detained or molested by the French government, I beg leave to add, that previous to his residence, and subsequent to the 1st of Nov. 1810, these decrees were not executed in violation of the neutral or national rights of the United States.

Whatever doubts might have originally been entertained of the efficient nature of the revocation of those decrees, on account of the form in which that measure was announced, those doubts ought surely now to yield to the uniform experience of fifteen months, during which period not a single fact has occurred to justify them.

I do not urge in confirmation of this revocation the admission of American vessels with cargoes arrived in the ports of France, after having touched in England, as stated by Mr. Barlow, and as accords with what occurred during my residence at Paris, because such admission is evidence only of the cessation of the municipal operation of the decrees in relation to the United States, of which it cannot be presumed that the British government requires an account.

I cannot forbear to persuade myself that the proof now added to the mass which was already before your lordship, will satisfactorily establish, in the judgment of his Britannic majesty's government, the revocation of the decrees in question, and lead to such a repeal of the orders in council, in regard to the United States, as will restore the friendly relations and commercial intercourse between the two countries. I have the honour to be, &c. &c.

(Signed)

JONA. RUSSELL.

[ENCLOSED IN MR. RUSSELL'S OF FEB. 9, 1812.]

Mr. Barlow to Mr. Russell. Paris, Jan. 29, 1812.

SIR,

THE ship Acastus, captain Cottle, from Norfolk, bound to Tonningen, with tobacco, had been boarded by an Eng-

lish frigate, and was taken by a French privateer, and brought into Fecamp, for the fact of having been so boarded. This was in November last. On the 2d of December, I stated the facts to the duke of Bassano; and in a few days after, the ship and cargo were ordered by the emperor to be restored to the owner, on condition that she had not violated the French navigation laws, which latter question was sent to the council of prizes to determine. The council determined that no such violation had taken place, and the ship and cargo were definitively restored to captain Cottle.

To the above fact I can add, that since my residence here several American vessels with cargoes have arrived and been admitted in the ports of France, after having touched in England, the fact being declared; and there is no instance within that period of a vessel in either of the cases of the Berlin and Milan decrees being detained or molested by the French government.

I have the honour to be, &c. &c.

(Signed) J. BARLOW.

[COPY.]

LONDON, FEB. 21, 1812.

SIR,

I REGRET that in announcing to you the cessation of the restrictions on the regency here, I cannot at the same time apprise you of the adoption of a more just and enlightened policy in favour of the United States, than has hitherto prevailed.

The partial changes in the ministry will probably produce no change of its character, or lead to an abandonment of the existing system in relation to us.

I have the honour to be, &c.

JONA. RUSSELL.

Hon. JAMES MONROE, &c.

Mr. Russell to Mr. Monroe. London, Feb. 22, 1812.

SIR,

I HAVE the honour to hand you enclosed a copy of a letter to me from the earl of Liverpool, relating to a person by the name of Bowman, said to be a British subject, and forcibly detained on board the United States ship Hor-

net, together with copies of the deposition of Elizabeth Eleanor Bowman, which accompanied it, and of my reply. I have the honour, &c. &c.

(Signed)

JONA. RUSSELL.

Hon. JAMES MONROE, &c. &c.

*The Earl of Liverpool to Mr. Russell. Foreign Office,
Feb. 20, 1812.*

SIR,

I HAVE the honour to transmit to you the copy of an affidavit, sworn at Portsmouth, by Elizabeth Eleanor Bowman, stating herself to be the wife of William Bowman, one of his majesty's subjects, now detained against his will on board the United States' sloop Hornet, at present in Cowes road.

You cannot but be aware of the urgent necessity of putting the facts alleged in this document, into an immediate train of investigation; and I am to request that you will communicate without loss of time, with the commanding officer of the Hornet, in order that he may afford you all information in his power, and that the vessel may not put to sea before the result of the inquiry shall be ascertained, in a manner satisfactory to yourself and to this government.

You must likewise be aware, that this government has no power to prevent the issuing of a writ of habeas corpus by the friends of Bowman; and that, in that case it would be impossible to impede or delay its execution, and the consequent removal of this question out of the hands of the two governments, into those of the legal force and authorities of this country.

Anxious to prevent any such proceeding, the inconveniences of which, even if they did not involve the possibility of a forcible execution of the legal process, might yet be considerable.

I request your immediate attention to this communication; and I confidently hope that you will, by affording the means of an amicable investigation, supersede the necessity, in which the friends of Bowman may otherwise feel

themselves, of taking the course to which I have before alluded. I have the honour, &c. &c.

(Signed) *[Signature]* LIVERPOOL.

JONA. RUSSELL, Esq. &c. &c.

[COPY.] *Borough of Portsmouth, in the County of Southampton.*

ELIZABETH ELEANOR BOWMAN, of Kingston, near Portsmouth, in the said county, maketh oath, that she was married to William Bowman, late of Portsmouth, shipwright, about five years ago: that he was employed in the dock yard there, which he quitted about three years ago, and sailed from hence in the *Edward Fort*, a transport, which was wrecked on the island of Cuba; that she was informed by her husband that he got from Cuba to New York, in an American ship, and about the 4th of June last, having got in liquor, he found himself in the American rendezvous there, and that he was compelled against his inclination to go on board the *Hornet*, an American sloop of war, being conducted on board her by a file of soldiers; that the *Hornet* having arrived lately at Cowes, she received a letter from her husband, requesting her to come on board to see him; that she accordingly went on board her, but was kept along side the sloop about half an hour, before the officer would admit her on board; that the permission to remain on board was for half an hour, but the officers would not afterwards permit her to quit the ship until the following Friday; that her husband told her that the officer threatened to punish him for having informed her where he was; and he also told her there were a great many English on board, several of whom would be glad to quit her; also that some men on board much wished her away from this country, but that she does not know the names of any of the parties; that the said William Bowman, who passed on board the *Hornet* by the name of William Elby, is now detained on board her against his will, and is very anxious to quit the American sloop *Hornet*, and to return to his native country.

The mark of

✕
ELIZ. E. BOWMAN.

Sworn at Portsmouth, in the said county, the 25th day of January, 1812, before me; the same having been first read, and she having set her mark thereto in my presence.

(Signed) *E. H. AMAND,*

*One of his majesty's justices of the peace
for the county of Southampton.*

*Mr. Russell to the Earl of Liverpool. London, Februry
21, 1812.*

MY LORD,

I HAVE the honour to inform your lordship that the United States' sloop Hornet left Cowes on the 13th of this month. The statement of this fact does away, I presume, the necessity of a more particular reply to your lordship's note of yesterday, concerning William Bowman, a seaman on board that ship. I have the honour to be, &c. &c.

(Signed) JONATHAN RUSSELL.

The most noble the Earl of LIVERPOOL.

*Extract of a Letter from Mr. Russell to the Secretary of
State, dated "London, March 4, 1812.*

"MANY American vessels which had for a considerable time been wind bound in the ports of this country, were at length released on the 29th ult. by an eastwardly wind, and took their departure for the United States. By some of those vessels, particularly 'The Friends,' you will have received many letters from me; and you will have learnt, as nearly as it was in my power to inform you, what in your letter of the 18th January you desire to know, viz. 'the precise situation of our affairs with England.'

"Since my letters of the 19th and 22d ultimo, which I trust will have extinguished all expectation of any change here, the motion of lord Landsdown on the 28th February, and that of Mr. Brougham yesterday, have been severally debated in the respective houses of parliament. I attended the discussions on both, and if any thing was wanting to prove the inflexible determination of the present ministry to persevere in the orders in council without modification or relaxation, the declarations of the leading members of

administration on these occasions, must place it beyond the possibility of doubt. In both houses these leaders expressed a disposition to forbear to canvass, in the present state of our relations, the conduct of the United States towards England, as it could not be done without reproaching her in a manner to increase the actual irritation, and to do away what lord Bathurst stated to be the *feeble* hopes of preventing war.

“In the house of commons, Mr. Rose virtually confessed that the orders in council were maintained to promote the trade of England at the expense of neutrals, and as a measure of commercial rivalry with the United States. When Mr. Canning inveighed against this new (he must have meant newly acknowledged) ground of defending these orders, and contended that they could be justified only on the principle of retaliation, on which they were avowedly instituted, and that they were intended to produce the effects of an actual blockade and liable to all the incidents of such blockade—that is, that they were meant only to distress the enemy—and that Great Britain had no right to defeat this operation by an intercourse with that enemy which she denied to neutrals; Mr. Percival replied, “that the orders were still supported on the principle of retaliation, but that this very principle involved the license trade; for as France by her decrees had said that no nation should trade with her which traded with England, England retorted, that no country should trade with France but through England. He asserted that neither the partial nor even the total repeal of the Berlin and Milan decrees, as they related to America, or to any other nation, or *all* other nations, would form any claim on the British government, while the *continental system*, so called, continued in operation. He denied that this system or any part of the Berlin and Milan decrees were merely *municipal*. They had not been adopted in time of peace with a view to internal regulation, but in a time of war with a hostile purpose towards England. Every clause and particle of them were to be considered of a nature entirely belligerent, and as such, requiring resistance and authorizing retaliation on

the part of Great Britain. It was idle and absurd to suppose that Great Britain was bound, in acting on the principle of retaliation in these times, to return exactly and in form *like for like*, and to choose the object and fashion the mode of executing it precisely by the measures of the enemy. In adopting these measures France had broken through all the restraints imposed by the laws of nations, and trodden under foot the great conventional code received by the civilized world as prescribing rules for its conduct in war as well as in peace. In this state of things England was not bound any longer to shackle herself with this code, and by so doing become the unresisting victim of the violence of her enemy, but she was herself released from the laws of nations, and left at liberty to resort to any means within her power to injure and distress that enemy and to bring it back to an observance of the *jus gentium* which it had so egregiously and wantonly violated. Nor was England to be restricted any more in the *extent* than in the *form* of retaliation; but she had a right, both as to the quantity and manner, to inflict upon the enemy all the evil in her power, until this enemy should retrace its steps, and renounce, not only verbally but practically, its decrees, its continental system and every other of its belligerent measures incompatible with the old acknowledged laws of nations. Whatever neutrals might suffer from the retaliatory measures of England was purely incidental, and as no injustice was intended to them they had a right to complain of none; and he rejoiced to observe that no charge of such injustice had that night been brought forward in the house. As England was contending for the defence of her maritime rights and for the preservation of her national existence, which essentially depended on the maintenance of those rights, she could not be expected, in the prosecution of this great and primary interest, to arrest or vary her course, to listen to the pretensions of neutral nations, or to remove the evils, however they might be regretted, which the imperious policy of the times indirectly and unintentionally extended to them."

"As the newspapers of this morning give but a very

imperfect report of this speech of Mr. Percival, I have thought it to be my duty to present you with a more particular account of the doctrines which were maintained in it, and which so vitally affect the rights and interests of the United States.

“I no longer entertain a hope that we can honourably avoid war.”

Extract of a Letter from Mr. Russell to the Secretary of State, dated London, March 20, 1812.

“I HAD the honour to address you on the 4th inst. giving a brief account of the debate in the house of commons on the preceding evening. Since then no change in relation to us, has taken place here.”

Extract of a Letter from Mr. Russell to the Secretary of State, dated London, March 28, 1812.

“SINCE I had the honour to address you a few days since, nothing has occurred here to induce a hope of any change in our favour.”

Extract of a Letter from Mr. Russell to the Secretary of State, dated London, April 9, 1812.

“SINCE my last respects to you, nothing of importance to us has occurred here.”

REPORT, OR MANIFESTO OF THE CAUSES AND REASONS OF WAR WITH GREAT BRITAIN, PRESENTED TO THE HOUSE OF REPRESENTATIVES BY THE COMMITTEE OF FOREIGN RELATIONS. JUNE 3, 1812.

REPORT.

THE committee on foreign relations to whom was referred the message of the President of the United States, of the 1st of June, 1812, Report—

THAT after the experience which the United States have had of the great injustice of the British government towards them, exemplified by so many acts of violence and

oppression, it will be more difficult to justify to the impartial world their patient forbearance, than the measures to which it has become necessary to resort, to avenge the wrongs and vindicate the rights and honour of the nation. Your committee are happy to observe, on a dispassionate view of the conduct of the United States, that they see in it no cause for censure.

If a long forbearance under injuries ought ever to be considered a virtue in any nation, it is one which peculiarly becomes the United States. No people ever had stronger motives to cherish peace : none have ever cherished it with greater sincerity and zeal.

But the period has now arrived, when the United States must support their character and station among the nations of the earth, or submit to the most shameful degradation. Forbearance has ceased to be a virtue. War on the one side, and peace on the other, is a situation as ruinous as it is disgraceful. The mad ambition, the lust of power and commercial avarice of Great Britain, arrogating to herself the complete dominion of the ocean, and exercising over it an unbounded and lawless tyranny, have left to neutral nations an alternative only between the base surrender of their rights, and a manly vindication of them. Happily for the United States their destiny, under the aid of Heaven, is in their own hands. The crisis is formidable only by their love of peace. As soon as it becomes a duty to relinquish that situation, danger disappears. They have suffered no wrongs, they have received no insults, however great, for which they cannot obtain redress.

More than seven years have elapsed, since the commencement of this system of hostile aggression by the British government, on the rights and interests of the United States. The manner of its commencement was not less hostile than the spirit with which it has been prosecuted. The United States have invariably done every thing in their power to preserve the relations of friendship with Great Britain. Of this disposition they gave a distinguished proof at the moment when they were made the victims of an opposite policy. The wrongs of the last war had not

been forgotten at the commencement of the present one. They warned us of dangers, against which it was sought to provide. As early as the year 1804, the minister of the United States at London was instructed to invite the British government to enter into a negotiation on all the points on which a collision might arise between the two countries, in the course of the war, and to propose to it an arrangement of their claims, on fair and reasonable conditions. The invitation was accepted. A negotiation had commenced and was depending, and nothing had occurred to excite a doubt that it would not terminate to the satisfaction of both the parties. It was at this time, and under these circumstances, that an attack was made, by surprise, on an important branch of the American commerce, which affected every part of the United States, and involved many of their citizens in ruin.

The commerce on which this attack was so unexpectedly made, was that between the United States and the colonies of France, Spain and other enemies of Great Britain. A commerce just in itself; sanctioned by the example of Great Britain in regard to the trade with her own colonies; sanctioned by a solemn act between the two governments in the last war; and sanctioned by the practice of the British government in the present war: more than two years having then elapsed, without any interference with it.

The injustice of this attack could only be equalled by the absurdity of the pretext alleged for it. It was pretended by the British government, that in case of war, her enemy had no right to modify its colonial regulations, so as to mitigate the calamities of war to the inhabitants of its colonies. This pretension, peculiar to Great Britain, is utterly incompatible with the rights of sovereignty in every independent state. If we recur to the well established, and universally admitted law of nations, we shall find no sanction to it in that venerable code. The sovereignty of every state is co-extensive with its dominions, and cannot be abrogated, or curtailed in its rights, as to any part, except by conquest. Neutral nations have a right to trade to every port of either belligerent, which is not legally

blockaded; and in all articles which are not contraband of war. Such is the absurdity of this pretension, that your committee are aware, especially after the able manner in which it has been heretofore refuted and exposed, that they would offer an insult to the understanding of the house, if they enlarged on it; and if any thing could add to the high sense of the injustice of the British government in this transaction, it would be the contrast which her conduct exhibits in regard to this trade, and in regard to a similar trade by neutrals, with her own colonies. It is known to the world that Great Britain regulates her own trade, in war and in peace, at home and in her colonies, as she finds for her interest: that in war she relaxes the restraints of her colonial system in favour of the colonies, and that it never was suggested that she had not a right to do it; or that a neutral in taking advantage of the relaxation violated a belligerent right of her enemy. But with Great Britain every thing is lawful. It is only in a trade with her enemies, that the United States can do wrong: with them all trade is unlawful.

In the year 1793 an attack was made by the British government on the same branch of our neutral trade, which had nearly involved the two countries in war. That difference however was amicably accommodated. The pretension was withdrawn, and reparation made to the United States for the losses which they had suffered by it. It was fair to infer from that arrangement, that the commerce was deemed by the British government lawful, and that it would not be again disturbed.

Had the British government been resolved to contest this trade with neutrals, it was due to the character of the British nation that the decision should be made known to the government of the United States. The existence of a negotiation which had been invited by our government, for the purpose of preventing differences, by an amicable arrangement of their respective pretensions, gave a strong claim to the notification, while it afforded the fairest opportunity for it. But a very different policy animated the then cabinet of England. Generous sentiments were unknown to it. The liberal confidence and friendly overtures

of the United States were taken advantage of to ensnare them. Steady to its purpose, and inflexibly hostile to this country, the British government calmly looked forward to the moment when it might give the most deadly wound to our interests. A trade, just in itself, which was secured by so many strong and sacred pledges, was considered safe. Our citizens, with their usual industry and enterprize, had embarked in it a vast proportion of their shipping and of their capital, which were at sea under no other protection than the law of nations, and the confidence which they reposed in the justice and friendship of the British nation. At this period the unexpected blow was given. Many of our vessels were seized, carried into port and condemned by a tribunal, which, while it professes to respect the law of nations, obeys the mandate of its own government in opposition to all law. Hundreds of other vessels were driven from the ocean, and the trade itself in a great measure suppressed.

The effect produced by this attack on the lawful commerce of the United States, was such as might have been expected from a virtuous, independent, and highly injured people. But one sentiment pervaded the whole American nation. No local interests were regarded, no sordid motives felt. Without looking to the parts which suffered most, the invasion of our rights was considered a common cause, and from one extremity of our union to the other was heard the voice of an united people, calling on their government to avenge their wrongs, and vindicate the rights and honour of the country.

From this period the British government has gone on in a continued encroachment on the rights and interests of the United States, disregarding in its course, in many instances, obligations which have heretofore been held sacred by civilized nations.

In May, 1806, the whole coast of the continent, from the Elbe to Brest, inclusive, was declared to be in a state of blockade. By this act, the well established principles of the law of nations, principles which have served for ages as guides, and fixed the boundary between the rights of

belligerents and neutrals, were violated. By the law of nations, as recognised by Great Britain herself, no blockade is lawful unless it be sustained by the application of an adequate force; and that an adequate force was applied to this blockade, in its full extent, ought not to be pretended. Whether Great Britain was able to maintain legally, so extensive a blockade, considering the war in which she is engaged, requiring such extensive naval operations, is a question which it is not necessary at this time to examine. It is sufficient to be known that such force was not applied, and this is evident from the terms of the blockade itself, by which, comparatively, an inconsiderable portion of the coast only, was declared to be in a state of strict and rigorous blockade. The objection to the measure is not diminished by that circumstance. If the force was not applied, the blockade was unlawful, from whatever cause the failure might proceed. The belligerent who institutes the blockade cannot absolve itself from the obligation to apply the force, under any pretext whatever. For a belligerent to relax a blockade which it could not maintain, with a view to absolve itself from the obligation to maintain it, would be a refinement in injustice, not less insulting to the understanding than repugnant to the law of nations. To claim merit for the mitigation of an evil which the party either had not the power, or found it inconvenient to inflict, would be a new mode of encroaching on neutral rights. Your committee think it just to remark, that this act of the British government does not appear to have been adopted in the sense in which it has been since construed. On consideration of all the circumstances attending the measure, and particularly the character of the distinguished statesman who announced it, we are persuaded that it was conceived in a spirit of conciliation, and intended to lead to an accommodation of all differences between the United States and Great Britain. His death disappointed that hope, and the act has since become subservient to other purposes. It has been made by his successors a pretext for that vast system of usurpation, which has so long oppressed and harassed our commerce.

The next act of the British government which claims

our attention, is the order of council of January 7, 1807, by which neutral powers are prohibited trading from one port to another of France, or her allies, or any other country with which Great Britain might not freely trade. By this order the pretension of England, heretofore disclaimed by every other power, to prohibit neutrals disposing of parts of their cargoes at different ports of the same enemy, is revived, and with vast accumulation of injury. Every enemy, however great the number, or distant from each other, is considered one, and the like trade even with powers at peace with England, who, from motives of policy, had excluded or restrained her commerce, was also prohibited. In this act, the British government evidently disclaimed all regard for neutral rights. Aware that the measures authorized by it, could find no pretext in any belligerent right, none was urged. To prohibit the sale of our produce, consisting of innocent articles, at any port of a belligerent, not blockaded; to consider every belligerent as one, and subject neutrals to the same restraints with all, as if there was but one, were bold encroachments. But to restrain, or in any manner interfere with our commerce with neutral nations, with whom Great Britain was at peace, and against whom she had no justifiable cause of war, for the sole reason that they restrained or excluded from their ports her commerce, was utterly incompatible with the pacifick relations subsisting between the two countries.

We proceed to bring into view the British order in council of November 11, 1807, which superseded every other order, and consummated that system of hostility on the commerce of the United States, which has been since so steadily pursued. By this order, all France and her allies, and every other country at war with Great Britain, or with which she was not at war, from which the British flag was excluded, and all the colonies of her enemies, were subjected to the same restrictions, as if they were actually blockaded in the most strict and rigorous manner; and all trade in articles, the produce and manufacture of the said countries and colonies, and the vessels engaged in it, were

subjected to capture and condemnation as lawful prize. To this order certain exceptions were made, which we forbear to notice, because they were not adopted from a regard to neutral rights, but were dictated by policy to promote the commerce of England, and so far as they related to neutral powers, were said to emanate from the clemency of the British government.

It would be superfluous in your committee to state, that by this order the British government declared direct and positive war against the United States. The dominion of the ocean was completely usurped by it, all commerce forbidden, and every flag driven from it, or subjected to capture and condemnation, which did not subserve the policy of the British government by paying it a tribute, and sailing under its sanction. From this period the United States have incurred the heaviest losses, and most mortifying humiliations. They have borne the calamities of war, without retorting them on its authors.

So far your committee has presented to the view of the house, the aggressions which have been committed under the authority of the British government on the commerce of the United States. We will now proceed to other wrongs which have been still more severely felt. Among these is the impressment of our seamen, a practice which has been unceasingly maintained by Great Britain in the wars to which she has been a party since our revolution. Your committee cannot convey in adequate terms the deep sense which they entertain of the injustice and oppression of this proceeding. Under the pretext of impressing British seamen, our fellow citizens are seized in British ports, on the high seas, and in every other quarter to which the British power extends; are taken on board British men of war, and compelled to serve there as British subjects. In this mode our citizens are wantonly snatched from their country and their families; deprived of their liberty, and doomed to an ignominious and slavish bondage; compelled to fight the battles of a foreign country, and often to perish in them. Our flag has given them no protection; it has been unceasingly violated, and our vessels exposed to danger by the loss of the men taken from them.

Your committee need not remark, that while this practice is continued, it is impossible for the United States to consider themselves an independent nation. Every new case is a new proof of their degradation. Its continuance is the more unjustifiable, because the United States have repeatedly proposed to the British government an arrangement which would secure to it the control of its own people. An exemption of the citizens of the United States from this degrading oppression, and their flag from violation, is all that they have sought.

This lawless waste of our trade, and equally unlawful impressment of our seamen, have been much aggravated by the insults and indignities attending them. Under the pretext of blockading the harbours of France and her allies, British squadrons have been stationed on our own coast, to watch and annoy our own trade. To give effect to the blockade of European ports, the ports and harbours of the United States have been blockaded. In executing these orders of the British government, or in obeying the spirit which was known to animate it, the commanders of these squadrons have encroached on our jurisdiction, seized our vessels, and carried into effect impressments within our limits, and done other acts of great injustice, violence, and oppression. The United States have seen, with mingled indignation and surprise, that these acts, instead of procuring to the perpetrators the punishment due to unauthorized crimes, have not failed to recommend them to the favour of their government.

Whether the British government has contributed by active measures to excite against us the hostility of the savage tribes on our frontiers, your committee are not disposed to occupy much time in investigating. Certain indications of general notoriety may supply the place of authentick documents, though these have not been wanting to establish the fact in some instances. It is known that symptoms of British hostility towards the United States have never failed to produce corresponding symptoms among those tribes. It is also well known that on all such occasions, abundant supplies of the ordinary munitions of

war have been afforded by the agents of British commercial companies, and even from British garrisons, wherewith they were enabled to commence that system of savage warfare on our frontiers, which has been at all times indiscriminate in its effect, on all ages, sexes and conditions, and so revolting to humanity.

Your committee would be much gratified if they could close here the detail of British wrongs ; but it is their duty to recite another^{ed} act of still greater malignity, than any of those which have been already brought to your view. The attempt to dismember our union, and overthrow our excellent constitution by a secret mission, the object of which was to foment discontents and excite insurrection against the constituted authorities and laws of the nation, as lately disclosed by the agent employed in it, affords full proof that there is no bound to the hostility of the British government towards the United States : no act, however unjustifiable, which it would not commit to accomplish their ruin. This attempt excites the greater horror, from the consideration that it was made while the United States and Great Britain were at peace, and an amicable negotiation was depending between them for the accommodation of their differences, through publick ministers regularly authorized for the purpose.

The United States have beheld with unexampled forbearance, this continued series of hostile encroachments on their rights and interests, in the hope, that yielding to the force of friendly remonstrances, often repeated, the British government might adopt a more just policy towards them ; but that hope no longer exists. They have also weighed impartially the reasons which have been urged by the British government in vindication of those encroachments, and found in them neither justification nor apology.

The British government has alleged, in vindication of the orders in council, that they were resorted to as a retaliation on France, for similar aggressions committed by her on our neutral trade with the British dominions. But how has this plea been supported ? The dates of British and French aggressions are well known to the world.

Their origin and progress have been marked with too wide and destructive a waste of the property of our fellow citizens, to have been forgotten. The decree of Berlin, of November 21st, 1806, was the first aggression of France in the present war. Eighteen months had then elapsed, after the attack made by Great Britain on our neutral trade with the colonies of France and her allies, and six months from the date of the proclamation of May, 1806. Even on the 7th of January, 1807, the date of the first British order in council, so short a term had elapsed after the Berlin decree, that it was hardly possible that the intelligence of it should have reached the United States. A retaliation which is to produce its effect, by operating on a neutral power, ought not to be resorted to till the neutral had justified it, by a culpable acquiescence in the unlawful act of the other belligerent. It ought to be delayed until after sufficient time had been allowed to the neutral to remonstrate against the measures complained of, to receive an answer, and to act on it, which had not been done in the present instance. And when the order of November 11th was issued, it is well known that a minister of France had declared to the minister plenipotentiary of the United States at Paris, that it was not intended that the decree of Berlin should apply to the United States. It is equally well known that no American vessel had then been condemned under it, or seizure been made, with which the British government was acquainted. The facts prove incontestably that the measures of France, however unjustifiable in themselves, were nothing more than a pretext for those of England. And of the insufficiency of that pretext, ample proof has already been afforded by the British government itself, and in the most impressive form. Although it was declared that the orders in council were retaliatory on France for her decrees, it was also declared, and in the orders themselves, that owing to the superiority of the British navy, by which the fleets of France and her allies were confined within their own ports, the French decrees were considered only as empty threats.

It is no justification of the wrongs of one power, that the

like were committed by another; nor ought the fact, if true, to have been urged by either, as it could afford no proof of its love of justice, of its magnanimity, or even of its courage. It is more worthy the government of a great nation, to relieve than to assail the injured. Nor can a repetition of the wrongs by another power repair the violated rights or wounded honour of the injured party. An utter inability alone to resist, could justify a quiet surrender of our rights, and degrading submission to the will of others. To that condition the United States are not reduced, nor do they fear it. That they ever consented to discuss with either power the misconduct of the other, is a proof of their love of peace, of their moderation, and of the hope which they still indulged, that friendly appeals to just and generous sentiments would not be made to them in vain. But the motive was mistaken, if their forbearance was imputed either to the want of a just sensibility to their wrongs, or a determination, if suitable redress was not obtained, to resent them. The time has now arrived when this system of reasoning must cease. It would be insulting to repeat it. It would be degrading to hear it. The United States must act as an independent nation, and assert their rights, and avenge their wrongs, according to their own estimate of them, with the party who commits them, holding it responsible for its own misdeeds, unmitigated by those of another.

For the difference made between Great Britain and France, by the application of the non-importation act against England only, the motive has been already too often explained, and is too well known to require further illustration. In the commercial restrictions to which the United States resorted as an evidence of their sensibility, and a mild retaliation of their wrongs, they invariably placed both powers on the same footing, holding out to each in respect to itself, the same accommodation, in case it accepted the condition offered, and in respect to the other, the same restraint if it refused. Had the British government confirmed the arrangement which was entered into with the British minister in 1809, and France main-

tained her decrees, with France would the United States have had to resist, with the firmness belonging to their character, the continued violation of their rights. The committee do not hesitate to declare, that France has greatly injured the United States, and that satisfactory reparation has not yet been made for many of those injuries. But, that is a concern which the United States will look to and settle for themselves. The high character of the American people, is a sufficient pledge to the world that they will not fail to settle it, on conditions which they have a right to claim.

More recently the true policy of the British government towards the United States, has been completely unfolded. It has been publicly declared by those in power, that the orders in council should not be repealed until the French government had revoked all its internal restraints on the British commerce; and that the trade of the United States with France and her allies, should be prohibited, until Great Britain was also allowed to trade with them. By this declaration it appears, that to satisfy the pretensions of the British government, the United States must join Great Britain in the war with France, and prosecute the war until France should be subdued; for without her subjugation, it were in vain to presume on such a concession. The hostility of the British government to these States has been still further disclosed. It has been made manifest that the United States are considered by it as the commercial rival of Great Britain, and that their prosperity and growth are incompatible with her welfare. When all these circumstances are taken into consideration, it is impossible for your committee to doubt the motives which have governed the British ministry in all its measures towards the United States, since the year 1805. Equally is it impossible to doubt, longer, the course which the United States ought to pursue towards Great Britain.

From this review of the multiplied wrongs of the British government since the commencement of the present war, it must be evident to the impartial world, that the contest which is now forced on the United States, is radically a

contest for their sovereignty and independence. Your committee will not enlarge on any of the injuries, however great, which have had a transitory effect. They wish to call the attention of the House to those of a permanent nature only, which intrench so deeply on our most important rights, and wound so extensively and vitally our best interests, as could not fail to deprive the United States of the principal advantages of their revolution, if submitted to. The control of our commerce by Great Britain in regulating, at pleasure, and expelling it almost from the ocean; the oppressive manner in which these regulations have been carried into effect, by seizing and confiscating such of our vessels, with their cargoes, as were said to have violated her edicts, often without previous warning of their danger; the impressment of our citizens from on board our own vessels on the high seas, and elsewhere, and holding them in bondage till it suited the convenience of their oppressors to deliver them up, are encroachments of that high and dangerous tendency, which could not fail to produce that pernicious effect: nor would these be the only consequences that would result from it. The British government might, for a while, be satisfied with the ascendancy thus gained over us, but its pretensions would soon increase. The proof which so complete and disgraceful a submission to its authority would afford of our degeneracy, could not fail to inspire confidence, that there was no limit to which its usurpations, and our degradation, might not be carried.

Your committee, believing that the free born sons of America are worthy to enjoy the liberty which their fathers purchased at the price of so much blood and treasure, and seeing in the measures adopted by Great Britain, a course commenced and persisted in, which must lead to a loss of national character and independence, feel no hesitation in advising resistance by force; in which the Americans of the present day will prove to the enemy and to the world, that we have not only inherited that liberty which our fathers gave us, but also the will and power to maintain it. Relying on the patriotism of the nation, and confidently

trusting that the Lord of Hosts will go with us to battle in a righteous cause, and crown our efforts with success, your committee recommend an immediate appeal to arms.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JUNE 4, 1812.

I TRANSMIT, for the information of Congress, copies of a correspondence of the minister plenipotentiary of Great Britain, with the Secretary of State.

JAMES MADISON.

Mr. Foster to Mr. Monroe. Washington, May 30, 1812.

SIR,

NOTWITHSTANDING the discouraging nature of the conversation which I had the honour to have with you a few days since at your office, and the circumstance of your continued silence in regard to two letters from me, furnishing additional proof of the existence of the French decrees, nevertheless, there does now appear such clear and convincing evidence in the report of the duke of Bassano, dated the 10th of March, of the present year, of those decrees having not only never been rescinded, but of their being recently extended and aggravated in the republication of them contained in that instrument, that I cannot but imagine it will seem most important to the President that it should be communicated to Congress, without delay, in the present interesting crisis of their deliberations; and therefore hasten to fulfil the instructions of my government, in laying before the government of the United States the enclosed *Moniteur* of the 16th of last March, in which is contained that report, as it was made to the ruler of France, and communicated to the conservative senate.

This report confirms, if any thing were wanting to con-

firm, in the most unequivocal manner, the repeated assertions of Great Britain, that the Berlin and Milan decrees have never been revoked, however some partial and insidious relaxations of them may have been made in a few instances, as an encouragement to America to adopt a system beneficial to France, and injurious to Great Britain, while the conditions on which alone it has been declared that those decrees will ever be revoked, are here explained and amplified in a manner to leave us no hope of Bonaparte having any disposition to renounce the system of injustice which he has pursued, so as to make it possible for Great Britain to give up the defensive measures she has been obliged to resort to.

I need not remind you, sir, how often it has in vain been urged by Great Britain, that a copy of the instrument should be produced, by which the decrees of Bonaparte were said to be repealed, and how much it has been desired that America should explicitly state that she did not adopt the conditions on which the repeal was offered.

It is now manifest that there was never more than a conditional offer of repeal made by France, which we had a right to complain that America should have asked us to recognise as *absolute*, and which, if accepted in its extent by America, would only have formed fresh matter of complaint, and a new ground for declining her demands.

America must feel that it is impossible for Great Britain to rescind her orders in council, whilst the French decrees are officially declared to remain in force against all nations not subscribing to the new maritime code promulgated in those decrees; and also without something more explicit on the part of America, with regard to her understanding as to the conditions annexed by France to the repeal of those decrees. For, after what has passed, unless a full and satisfactory explanation be made on both these points, Great Britain cannot relinquish her retaliatory system against France, without implying her consent to the admissibility of the conditions in question.

These observations will, I am sure, appear sufficiently obvious to you, sir, on perusing the enclosed paper.

It will be at once acknowledged that this paper is a republication of the Berlin and Milan decrees, in a more aggravated form, accompanied as it is with an extension of all the obnoxious doctrines which attend those decrees, inflamed by a declaration that Bonaparte has annexed to France every independent state in his neighbourhood which had eluded them; and that he was proceeding against all other maritime parts of Europe, on the pretence that his system could not be permanent and complete, so long as they retained their liberty with regard to it.

The outrageous principle here avowed connects itself obviously with the proposition too much countenanced by America, that the continental system of Bonaparte, as far as it operates to the confiscation of neutral property on shore, on the ground of such property being British produce or manufacture, is a mere municipal regulation which neutral or belligerent nations have no right to resent, because it does not violate any principle of the law of nations. It is unnecessary to recur to the various arguments by which it has been shown that this system does not partake of the character of municipal regulation, which neutral or belligerent nations have no right to resent, because it does not violate any principle of the law of nations; but that it is a mere war measure, directed with the most hostile spirit against Great Britain; and, in order to extend this system, on the principle of municipal regulation, all the rights of independent neutral nations are to be violated, their territories to be seized without any other cause of war whatever, but that they may be incorporated with the French nation, and thence becoming subject to her rights of dominion, receive the continental system as a municipal regulation of France; and thus the mere possibility of non-compliance with the whole of the system is made the ground for the occupation or invasion, the incorporation or extinction of every state where the French arms can reach.

Great Britain cannot believe that America will not feel a just indignation at the full development of such a system; a system which indeed Bonaparte has partially opened

before, and has in the instances of the Hanseatic towns, of Portugal and other countries, carried into complete execution, but which he has never completely unfolded in all its extent until the present moment; and in what an insulting and preposterous shape does he now attempt to bring forward and promulgate this code which he is to force upon all nations? He assumes the treaty of Utrecht to be in force, and to be a law binding upon all nations, because it suits his convenience at this moment, when the navy of France is driven from the ocean, to revive the doctrine of "free ships making free goods;" he has recourse to a treaty no longer in force, in which such a stipulation existed; a treaty which, by his own express refusal at Amiens to renew any of the ancient treaties, was not then revived even as binding on Great Britain and France, between whom alone, as parties to it, and only while they were at peace with each other, could it ever have had any legal effect; yet even this treaty is too narrow a basis for his present pretensions, since he cannot find in it his rule for limiting maritime blockades to fortresses actually invested, besieged, and likely to be taken; no provision of any description having been made in that treaty either for defining or regulating blockades.

Surely, at such an instant, America will not urge Great Britain to abandon or to soften any precautionary, any retaliatory rights against such a power. The British government not only feels itself imperiously bound to defend them as they respect Great Britain with all vigour, but to call upon every nation to resist such exorbitant pretensions.

If Great Britain, at such a moment, were to relax her orders in council against France, would not all other nations have reason to complain that the common cause was abandoned?

America must feel that Bonaparte is not acting, as indeed he never has acted, with any view of establishing principles of real freedom with respect to navigation; but is merely endeavouring to cloak his determination, if possible, to ruin Great Britain, by novel demands and rejected theories

of maritime law ; and America must see, that Bonaparte's object is to exclude British commerce from every coast and port of the continent ; and that in pursuit of this object, trampling on the rights of independent states, he insultingly proclaims his determination to effect it by direct invasion of those independent states, which he as insultingly terms a *guarantee*, thus making the most solemn and sacred term in the law of nations synonymous with usurpation of territory and extinction of independence. America must see that, as all the states hitherto in his power have been seized on to *guarantee* his system, he is now proceeding to destroy whatever remains of independence in other neutral states, to make that *guarantee* complete.—From his want of power to pass the Atlantick with his armies (a want of power for which the United States are indebted to the naval superiority of Great Britain,) his system of a *guaranteeing* force may fail as to America, but as he cannot hope to shut American ports against Great Britain by occupancy and invasion, he hopes to effect his purpose by management and fraud, and to accomplish that by insidious relaxation which he cannot accomplish by power.

Great Britain, he feels, is only to be ruined by excluding her from every port in the world ; he hopes therefore to shut every port in Europe by force, and every port in America by management ; he pretends to conciliate America by applause of her conduct, and a partial relaxation of his system in her favour.—He accompanies the promise of repealing his decrees with conditions, which he trusts America will not disavow, and which he knows Great Britain must reject ; knowing, at the same time, that the relaxation of his decrees will be of little use to America, without a corresponding relaxation by Great Britain, he throws every obstacle against concession to America by Great Britain, making her perseverance in her retaliatory system more than ever essential to her honour and existence. And surely it will not escape the notice, or fail to excite the indignation of the American government, that the ruler of France, by taking the new ground now assumed, has retracted the concession which America supposed him

to have made : He has inconsistently and contemptuously withdrawn from her the ground upon which she has taken a hostile attitude against Great Britain, since the repeal of our orders in council, and even the renunciation of our rights of blockade, would no longer suffice to obtain a repeal of the Berlin and Milan decrees.

His majesty's government cannot but hope that America, considering all the extravagant pretensions set forth by the ruler of France, in the duke of Bassano's report, and at the same time the resolution to march his armies into all states, into the ports of which the English flag is admitted, will acknowledge, that this doctrine and resolution constitute a complete annihilation of neutrality, and that she is bound, as a neutral state, to disavow and resist them. Every state that acquiesces in this report, must act upon the principle, that neutral and enemy are to be considered henceforward as the same in the language of the French law of nations ; and Great Britain has a right to consider that every nation who refuses to admit her flag upon the principle assumed, admits and recognises the doctrine of the report.

I will not now trouble you, sir, with many observations relative to the blockade of May, 1806, as the legality of that blockade, assuming the blockading force to have been sufficient to enforce it, has latterly not been questioned by you.

I will merely remark that it was impossible Great Britain should receive, otherwise than with the utmost jealousy, the unexpected demand made by America for the repeal of the blockade as well as of the orders in council, when it appeared to be made subsequent to, if not in consequence of, one of the conditions in Bonaparte's pretended repeal of his decrees, which condition was our renouncing what he calls "our new principles of blockade ;" that the demand on the part of America was additional and new, is sufficiently proved by a reference to the overture of Mr. Pinkney, as well as from the terms on which Mr. Erskine had arranged the dispute with America relative to the orders in council. In that arrangement nothing was brought forward with

regard to this blockade. America would have been contented at that time without any reference to it. It certainly is not more a grievance, or an injustice, now, than it was then. Why then is the renunciation of that blockade insisted upon now, if it was not necessary to insist upon it then? It is difficult to find any answer but by reference to subsequent communications between France and America, and a disposition in America to countenance France in requiring the disavowal of this blockade and the principles upon which it rested, as the condition *sine qua non* of the repeal of the Berlin and Milan decrees. It seems to have become an object with America, only because it was prescribed as a condition by France.

On this blockade and the principles and rights upon which it was founded, Bonaparte appears to rest the justification of all his measures for abolishing neutrality, and for the invasion of every state which is not ready, with him, to wage a war of extermination against the commerce of Great Britain.

America, therefore, no doubt, saw the necessity of demanding its renunciation, but she will now see that it is in reality vain either for America or Great Britain to expect an actual repeal of the French decrees, until Great Britain renounces, First, the basis, viz. the blockade of 1806, on which Bonaparte has been pleased to found them; next, the right of retaliation as subsequently acted upon in the orders in council; further, until she is ready to receive the treaty of Utrecht, interpreted and applied by the duke of Bassano's report as the universal law of nations; and finally, till she abjures all the principles of maritime law which support her established rights, now more than ever essential to her existence as a nation.

Great Britain feels confident that America never can maintain or ultimately sanction such pretensions; and his royal highness the Prince Regent entertains the strongest hope that this last proceeding of France will strip her measures of every remnant of disguise, and that America, in justice to what she owes to the law of nations, and to her own honour as a neutral state, will instantly withdraw

her countenance from the outrageous system of the French government, and cease to support, by hostile measures against British commerce, the enormous fabrick of usurpation and tyranny, which France has endeavoured to exhibit to the world as the law of nations.

America cannot now contend that the orders in council exceed in spirit of retaliation what is demanded by the decrees, the principles, or the usurpations of Bonaparte. The United States government must at last be convinced that the partial relaxations of those decrees in favour of America have been insidiously adopted by France, for the mere purpose of inducing her to close her ports against Great Britain, which France cannot effect herself by force; and she must admit that if Great Britain were now to repeal her orders in council against France, it would be gratuitously allowing to France the commerce of America, and all the benefits derivable from her flag, as an additional instrument for the annoyance of Great Britain; and that at a moment when every state is threatened with destruction, or really destroyed, for merely supporting their own rights to trade with Great Britain.

I am commanded, sir, to express on the part of his royal highness the prince regent, that while his royal highness entertains the most sincere desire to conciliate America, he yet can never concede that the blockade of May, 1806, could justly be made the foundation, as it avowedly has been, for the decrees of Bonaparte; and further, that the British government must ever consider the principles on which that blockade rested (accompanied as it was, by an adequate blockading force) to have been strictly consonant to the established law of nations, and a legitimate instance of the practice which it recognises.

Secondly, that Great Britain must continue to reject the other spurious doctrines promulgated by France in the duke of Bassano's report, as binding upon all nations. She cannot admit, as a true declaration of publick law, that free ships make free goods, nor the converse of that proposition, that enemy's ships destroy the character of neutral property in the cargo: she cannot consent, by the

adoption of such a principle, to deliver absolutely the commerce of France from the pressure of the naval power of Great Britain, and, by the abuse of the neutral flag, to allow her enemy to obtain, without the expense of sustaining a navy for the trade and property of French subjects, a degree of freedom and security, which even the commerce of her own subjects cannot find under the protection of the British navy.

She cannot admit, as a principle of publick law, that a maritime blockade can alone be legally applied to fortresses actually invested by land as well as by sea, which is the plain meaning or consequence of the duke of Bassano's definition.

She cannot admit, as a principle of publick law, that arms and military stores are alone contraband of war, and that ship timber and naval stores are excluded from that description. Neither can she admit, without retaliation, that the mere fact of commercial intercourse with British ports and subjects should be made a crime in all nations, and that the armies and decrees of France should be directed to enforce a principle so new and unheard of in war.

Great Britain feels, that to relinquish her just measures of self defence and retaliation, would be to surrender the best means of her own preservation and rights, and with them the rights of other nations, so long as France maintains and acts upon such principles.

I am commanded to represent to the government of America, that Great Britain feels herself entitled to expect from them an unreserved and candid disclaimer of the right of France to impose on her and on the world the maritime code which has been thus promulgated, and to the penalties of which America is herself declared to be liable if she fails to submit herself to its exactions. America cannot, for her own character, any longer temporize on this subject, or delay coming to a distinct explanation with France, as well as with Great Britain, if she wishes to clear herself from the imputation of being an abettor of such injustice.

America, as the case now stands, has not a pretence for claiming from Great Britain a repeal of her orders in

council. She must recollect that the British government never for a moment countenanced the idea, that the repeal of those orders could depend upon any partial or conditional repeal of the decrees of France. What she always avowed was her readiness to rescind her orders in council, as soon as France rescinded absolutely and unconditionally her decrees. She could not enter into any other engagement without the grossest injustice to her allies, as well as to neutral nations in general; much less could she do so, if any special exception was to be granted by France, upon conditions utterly subversive of the most important and indisputable maritime rights of the British empire.

America has now a proceeding forced upon her by France, on which, without surrendering any of those principles which she may deem it necessary for her own honour and security to maintain, she may separate herself from the violence and injustice of the enemy. She owes not only to herself to do so, but she is entitled to resent that course of conduct on the part of France which is the only impediment to her obtaining what she desires at the hands of Great Britain, namely, the repeal of the orders in council.

I am authorized to renew to the American government, the assurance of his royal highness's anxious desire to meet the wishes of America upon this point, whenever the conduct of the enemy will justify him in so doing.

Whilst America could persuade herself, however erroneously, that the Berlin and Milan decrees had been actually and totally repealed, and that the execution of the engagement made on that condition by the British government had been declined, she might deem it justifiable, as a consequence of such a persuasion, to treat the interest and commerce of France with preference and friendship, and those of Great Britain with hostility; but this delusion is at an end. America now finds the French decrees not only in full force, but pointed with augmented hostility against Great Britain. Will the government of the United States declare that the measure now taken by France is that repeal of the obnoxious decrees, which America expected would lead to the repeal of the British orders in

council? Will the American government, unless upon the principle of denying our retaliatory right of blockade, under any imaginable circumstances, declare that there is at this moment a ground upon which the repeal of our orders in council can be pressed upon us? Or that the repeal could now be warranted upon any other ground, than an express abdication of the right itself, which America well knows, whatever may be our desire to conciliate, is a concession which the British government cannot and will not make?

If this be true, for what purpose can she persevere in her hostile attitude towards Great Britain, and her friendly one towards France? Do the American government really wish to aid France in her attempt to subjugate Great Britain? Does America expect that Great Britain, contending against France, will, at the instance of America, disarm herself, and submit to the mercy of the opponent? If both these questions are answered in the negative, upon what ground can she for a moment longer continue the hostile measures against us? The American non-intercourse act was framed upon the express principle of continuing in force against the power, whether France or Great Britain, that should refuse to repeal its respective laws, of which America thought herself entitled to complain. But the repeal contemplated by that act was a *bona fide* repeal, and not a repeal upon an inadmissible condition, and America can never be justified in continuing to resent against us that failure of relief which is alone attributable to the insidious policy of the enemy, that has, for the purpose of embarrassing the discussion, interwoven the question of the decrees with the exaction of a relinquishment of almost the whole system of our maritime law.

It is not for the British government to dictate to that of America what ought to be the measure of her just indignation against the ruler of France, for having originated and persevered in a system of lawless violence, to the subversion of neutral rights, which, being necessarily retaliated by Great Britain, has exposed America, with other neutral states, to losses which the British government has never

ceased most sincerely to deplore. America must judge for herself, how much the original injustice of France towards her has been aggravated by the fraudulent professions of relinquishing her decrees by the steps adopted to mislead America, in order to embark her in measures which we trust she never would have taken, if she could have foreseen what has now happened; and ultimately, by threatening America with her vengeance, as a denationalized state, if she does not submit to be the instrument of her designs against Great Britain.

These are considerations for America to weigh; but what we are entitled to claim at her hands, as an act not less of policy than justice, is, that she should cease to treat Great Britain as an enemy. The prince regent does not desire retrospect when the interests of two countries so naturally connected by innumerable ties are concerned. It is more consonant to his royal highness's sentiments to contribute to the restoration of harmony and friendly intercourse, than to inquire why it has been interrupted. Feeling that nothing has been omitted on his part to relieve America from the inconveniences to which a novel system of warfare on the part of France unfortunately continues to expose her, and that the present unfriendly relations which, to their mutual prejudice, subsist between the two countries, have grown out of a misconception on the part of America both of the conduct and purpose of France; his royal highness considers himself entitled to call upon America to resume her relations of amity with Great Britain. In doing so, she will best provide for the interests of her own people; and I am authorized to assure the American government, that although his royal highness, acting in the name and on the behalf of his majesty, can never suffer the fundamental maxims of the British monarchy, in matters of maritime right, as consonant to the recognised law of nations, to be prejudiced in his hands, his royal highness will be ready at all times to concert with America, as to their exercise; and so to regulate their application as to combine, as far as may be, the interests of America with

the object of effectually retaliating upon France the measure of her own injustice.

I will now terminate this letter by assuring you, sir, as I can with perfect truth, that the most cordial and sincere desire animates the councils of Great Britain to conciliate America, as far as may be consistent with the principles upon which the preservation of the power and independence of the British monarchy is held essentially to depend, and which cannot be abandoned without throwing her helpless and disarmed into the presence of her adversary.

I have the honour to be, &c.

(Signed) AUG. J. FOSTER.

JAMES MONROE, Esq. Secretary of State.

[TRANSLATION.]

Report of the Minister of Foreign Relations to his Majesty the Emperour and King, communicated to the Conservative Senate, in the sitting of the 10th March, 1812.

SIRE,

THE maritime rights of neutrals have been solemnly regulated by the treaty of Utrecht, which has become the common law of nations.

This law, expressly renewed in all the subsequent treaties, has consecrated the principles I am about to expose.

The flag covers the property. Enemy's property under a neutral flag is neutral, as neutral property under an enemy's flag is enemy's property. The only articles which the flag does not cover, are contraband articles; and the only articles which are contraband, are arms and munitions of war.

A visit of a neutral vessel, by an armed vessel, can only be made by a small number of men, the armed vessel keeping beyond the reach of cannon shot.

Every neutral vessel may trade from an enemy's port to an enemy's port, and from an enemy's port to a neutral port. The only ports excepted, are those really blockaded; and the ports really blockaded, are those which are invested, besieged, and in danger of being taken, (*en prevention*

d'être pris) and into which a merchant ship could not enter without danger.

Such are the obligations of belligerent nations towards neutral nations; such are the reciprocal rights of both; such are the maxims consecrated by the treaties which form the publick law of nations. Often has England attempted to substitute for them arbitrary and tyrannical rules. Her unjust pretensions were repelled by all governments sensible to the voice of honour, and to the interests of their people. She saw herself constantly obliged to recognise in her treaties the principles which she wished to destroy; and when the peace of Amiens was violated, maritime legislation rested again on its ancient foundations.

By the course of events, the English navy became more numerous than all the forces of the other maritime powers.

England then supposed that she had nothing to fear; she might attempt every thing. She immediately resolved to subject the navigation of every sea to the same laws which governed that of the Thames.

It was in 1806, that she commenced the execution of this system, which tended to make the common law of nations yield to the orders in council, and to the regulations of the admiralty of London.

The declaration of the 16th of May annihilated, by a single word, the rights of all maritime states (and) put under interdiction vast coasts and whole empires. From this moment, England no longer recognised neutrals on the seas.

The orders of 1807, imposed on all vessels an obligation to enter English ports, whatever might be their destination; to pay a tribute to England; and to subject their cargoes to the tariff of her custom houses.

By the declaration of 1806, all navigation was interdicted to neutrals. By the orders of 1807, the faculty of navigating was restored to them; but they could only use it for the advantage of English commerce, by the combinations of her interest, and to her profit.

The English government took off thereby the mask with which it had concealed its projects, proclaimed the uni-

versal dominion of the seas, regarded every people as their tributaries, and imposed upon the continent the expenses of the war which it maintained against it.

These unheard of measures excited a general indignation among those powers who cherished the sentiment of their independence and of their rights. But at London, they carried to the highest degree of elevation the national pride; they displayed to the English people a futurity rich with the most brilliant hopes.

Their commerce, their industry, were to be henceforward without competition; the productions of the two worlds were to flow into their ports, do homage to the maritime and commercial sovereignty of England, in paying to her a toll-duty, and afterwards proceed to other nations, burdened with enormous costs, from which English merchandise alone would have been exonerated.

Your majesty perceived, at a single glance, the evils with which the continent was threatened. The remedy was immediately resorted to. You annihilated, by your decrees, this arrogant and unjust enterprise, so destructive to the independence of all states, and of the rights of every people.

The decree of Berlin replied to the declaration of 1806. The blockade of the British isles was opposed to the imaginary blockade established by England.

The decree of Milan replied to the orders of 1807; it declared *denationalized* every neutral vessel which submitted to English legislation, known to have touched at an English port, known to have paid a tribute to England, and which thereby renounced the independence and the rights of its flag. All the merchandise of the commerce and of the industry of England were blockaded in the British isles; the continental system excluded them from the continent.

Never did an act of reprisal attain its object in a manner more prompt, more certain, or more victorious. The decrees of Berlin and Milan turned against England the weapons which she had directed against universal commerce. The source of commercial prosperity, which she

thought so abundant, became a source of calamity for English commerce ; in the place of those exactions which were to have enriched her funds, a depreciation, continually increasing, impairs the wealth of the state, and that of individuals.

When the decrees of your majesty appeared, the whole continent foresaw that such would be the result, if they received their entire execution ; but, as much as Europe was accustomed to see your undertakings crowned with success, they were at a loss to conceive by what new prodigies your majesty would realize the great designs which have been so rapidly accomplished. Armed with all your power, nothing could turn your majesty from your object. Holland, the Hanseatic cities, the coasts which lie between the Zuyderzee and the Baltic, were to be united to France, subject to the same administration and the same regulations ; the immediate and inevitable consequence of the legislation of the English government. Considerations of no kind were able to balance, in the mind of your majesty, the first interest of your empire.

I will not stop to recapitulate the advantages of this important resolution. After fifteen months, that is to say, after the *senatus consultum* of reunion, the decrees of your majesty press with all their weight upon England. She flattered herself to invade the commerce of the world, and her own commerce became a mere stock-jobbing affair, (*agiotage*) which could not be carried on but by means of twenty thousand licenses issued every year. Forced to obey the law of necessity, she thereby renounced her navigation act, the original foundation of her power. She aspired to the universal dominion of the seas, and navigation is interdicted to her vessels, repulsed from all the ports of the continent. She wished to enrich her funds with the tributes that Europe was to pay, and Europe has withdrawn itself, not only from her injurious pretensions, but likewise from the tributes which it paid to her industry. Her manufacturing cities have become deserted ; distress has succeeded to a prosperity until then increasing ; the alarming disappearance of specie, the absolute priva-

tion of business, daily interrupt the publick tranquillity. Such, for England, are the results of her imprudent attempts. She thence learns, and she will every day learn more fully, that there is no safety for her but in a return to justice and to the principles of the law of nations, and that she will not be able to participate in the benefits of the neutrality of ports, unless she will suffer neutrals to profit of the neutrality of their flag. But until then, and as long as the British orders in council are not revoked, and the principles of the treaty of Utrecht, in relation to neutrals, put in force, the decrees of Berlin and Milan ought to subsist for the powers who suffer their flag to be denationalized. The ports of the continent ought to be opened neither to denationalized flags, nor to English merchandize.

It cannot be concealed, that to maintain, beyond the reach of attack, this great system, it is necessary that your majesty should employ the powerful means which belong to your empire, and find in your subjects that assistance which you have never asked in vain. All the disposable forces of France must be directed whithersoever the English flag, and flags denationalized, or convoyed by English vessels of war, may wish to enter. A particular army, exclusively charged with guarding our vast coasts, or maritime arsenals, and the triple row of fortresses which cover our frontiers, ought to answer to your majesty for the security of the territory confided to its valour and its fidelity; it will restore to their high destiny those brave men accustomed to fight and to conquer under the eyes of your majesty, for the defence of political rights, and the exterior security of the empire. Even the *depots* of corps will no longer be diverted from the useful destination of keeping up the numbers and the strength of your active armies. The forces of your majesty will be thus constantly maintained on the most formidable footing; and the French territory, protected by a permanent establishment, which is recommended by the interest, the policy, and dignity of the empire, will find itself in a situation which will make it more deserving of the title of inviolable and sacred.

It is a long time since the actual government of Great Britain proclaimed perpetual war; a frightful project, which the most unbridled ambition would not have dared to form, and which a presumptuous boasting could only have avowed; a frightful project which might, however, be realized, if France could hope for nothing but engagements without guarantee, of an uncertain length, and even more disastrous than war.

Peace, sire, which your majesty, in the midst of your great power, has so often offered to your enemies, will crown your glorious labours, if England, excluded with perseverance from the continent, and separated from all the states whose independence she has violated, consents at length to enter upon the principles which form the basis of European society, to acknowledge the laws of nations, and the rights consecrated by the treaty of Utrecht.

In the mean time, the French people must remain in arms: honour commands it; the interests, the rights, the independence of the nations engaged in the same cause, and an oracle still more certain, which has often been pronounced by your majesty, makes it an imperious and sacred law.

Mr. Monroe to Mr. Foster. Department of State, June 3, 1812.

SIR,

IN the letter of May 30th, which I had the honour to receive from you on the 1st instant, I perceive a difference in a particular passage of it, from a passage on the same subject, in the despatch from lord Castlereagh to you, which you were so good as to communicate to me entire, as appears from the tenour of the letter to have been intended by your government. The passage in your letter to which I allude is as follows: "America, as the case now stands, has not a pretence for claiming from Great Britain a repeal of her orders in council. She must recollect that the British government never for a moment countenanced the idea that the repeal of those orders could depend upon any partial or conditional repeal of the decrees

of France. What she always avowed, was, her readiness to rescind her orders in council as soon as France rescinded, absolutely and unconditionally, her decrees. She could not enter into any other engagement without the grossest injustice to her allies, as well as to neutral nations in general; much less could she do so if any special exception was to be granted by France upon conditions utterly subversive of the most important and indisputable maritime rights of the British empire."

According to the tenour of the despatch of lord Castlereagh to you, my recollection is, that in stating the condition on which the orders in council were to be repealed, in relation to the United States, it was specified that the decrees of Berlin and Milan must not be repealed singly and specially in relation to the United States, but be repealed also as to all other neutral nations, and that in no less extent of a repeal of the decrees had the British government ever pledged itself to repeal the orders in council.

However susceptible the passage in your letter may be of a construction reconcileable with the import of the despatch from lord Castlereagh, yet as a similar phraseology of your government on other occasions has had a construction less extensive; and as it is important, in every respect, that there should be no misunderstanding, or possibility of error, you will excuse me for requesting that you will have the goodness to inform me whether, in any circumstance, my recollection of the import of this passage in lord Castlereagh's despatch is inaccurate.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

AUG. J. FOSTER, &c. &c.

Mr. Foster to Mr. Monroe. Washington, June 3, 1812.

SIR,

I HAVE received your letter of to day, requesting an explanation relative to the supposed meaning of a passage in a despatch from lord Castlereagh to me, that I had the honour to communicate to you confidentially, and I beg

leave to state to you, that while I conceive it to be very difficult to give an explanation upon a single point in a note of considerable length, without referring to the whole context, and also believe it to be altogether irregular to enter into a discussion respecting a communication so entirely informal, yet I have no hesitation in assuring you that my note of May 30 contains the whole substance of the despatch alluded to.

In the correspondence that will probably take place between us in consequence of the new ground upon which the duke of Bassano's report has placed the question at issue between our two countries, I shall be extremely happy to enter at full length upon any topick which you may wish particularly to discuss. I have the honour to be, &c.

(Signed) AUG. J. FOSTER.

Mr. Monroe to Mr. Foster: Department of State, June 4, 1812.

SIR,

I HAVE had the honour to receive your letter of yesterday, in reply to mine of the same date.

As the despatch of lord Castlereagh was communicated by you to me, in my official character, to be shown to the President, and was shown to him accordingly; and as the despatch itself expressly authorized such a communication to this government, I cannot conceive in what sense such a proceeding could be considered confidential, or how it could be understood, that the executive was to receive one communication for itself, and transmit to Congress another, liable, in the opinion of the executive, to a different or doubtful construction. I cannot but persuade myself, sir, that on a reconsideration of the subject, you will perceive that there can be no impropriety in a compliance with the request contained in my letter of yesterday. Should I be mistaken in this expectation, I flatter myself that you will see the propriety of freeing your own communication from all ambiguity and liability to misconstruction. With a

view to this, permit me to inquire whether the passage in your letter, stating the condition on which your government always avowed its readiness to rescind the orders in council, namely, as soon as France rescinded, absolutely and unconditionally, her decrees, includes in its meaning, that the decrees must be rescinded in relation to other neutral nations, as well as to the United States, previous to a repeal of the orders in council in relation to the United States? I have the honour to be, &c. &c.

(Signed)

JAMES MONROE.

AUG. J. FOSTER, &c. &c. &c.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JUNE 8, 1812.

I LAY before Congress copies of letters which have passed between the Secretary of State and the envoy extraordinary and minister plenipotentiary of Great Britain.

JAMES MADISON.

Mr. Foster to Mr. Monroe. Washington, June 1, 1812.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 30th ult. in reply to my note of April 15, relating to a seaman who had been encouraged to desert from his majesty's schooner *Gleaner*, by certain of the inhabitants of the city of Annapolis, and containing an offer, which I shall always be very happy to repeat, of using my best exertions to procure the discharge of such seamen as have been impressed on board his majesty's ships and can be legally claimed by the government of the United States.

The circumstances which attended the instance mentioned in my former letter of April 5th, when several seamen of the same vessel (the *Gleaner*) were, under the very eyes

of their officer, and in a manner exceedingly insulting to his feelings, assailed by the endeavours of the same people to engage them to desert, is not adverted to in your letter ; but I suppose I am to conclude, from the tenor of it, that no remedy can be applied in such cases by the constituted authorities of the country, which is very much to be regretted, as it leaves the commanders of ships of war who may have despatches to convey on shore in American ports continually exposed to have their boat's crews seduced from them with impunity, and tends to show, more than ever, the disagreeable necessity under which they are of endeavouring to recover them from on board of the merchant ships, in which such seamen afterwards engage themselves.

I do not pretend, sir, to justify the captain of the British ship of war who refused to deliver the American deserter, mentioned in your letter, not knowing the circumstances under which he acted.

It will no doubt however occur to you, that if you could state a single instance where crowds have collected round an American officer on his landing in England, with a view to insult him and entice his men to abandon him, as is too often the practice in the United States, such an instance would be more directly in point.

I have now, sir, the honour to lay before you, by order of his royal highness the prince regent, the enclosed papers (Nos. 1, 2, 3, 4, 5,) relating to English seamen who have been detained, against their will, on board of certain ships of war of the United States, which have of late visited Great Britain ; and to express his royal highness's sincere belief, that these several sources of complaint have originated without the concurrence or participation of a state with which he is so anxious to preserve an amicable intercourse, as well as his conviction that the government of America has only to be informed of the fact to take prompt and satisfactory measures for the correction of the practice.

The American government will perceive, from this friendly communication, that it is not on this side of the

water alone that the inconvenience necessarily resulting from the similarity of habits, language and manners, between the inhabitants of the two countries, is productive of subjects of complaint and regret. These are, however, at the same time, natural and strong inducements for a conformity of interests, and most particularly for a readiness to give and receive mutual explanations upon all subjects of difference.

I have it in charge to repeat to you, sir, for the information of your government, that the government of his royal highness the prince regent will continue to give the most positive orders against the detention of American citizens on board his majesty's ships; and that no difficulties, beyond what are requisite for clearly ascertaining the national character of individuals, whose cases are brought before the lords commissioners of the admiralty, will be interposed to prevent or delay their immediate discharge.

The earl of Liverpool, while he held the office of his majesty's secretary of state for foreign affairs ad interim, was commanded to make known the case of William Bowman, stated by the affidavit of his wife to be forcibly detained on board the United States' ship *Hornet*. The departure of this vessel precluded Mr. Russell from making the necessary representation to the commanding officer of the *Hornet*. As, however, Mr. Russell will have probably stated the circumstances of the case to this government, I am in hopes there will be no difficulty in obtaining his release.

Of the papers enclosed, those marked No. 1. consist of a copy of a letter from admiral sir Roger Curtis, commander in chief at Portsmouth, to Mr. Croker, the secretary to the admiralty, enclosing a copy of the deposition upon oath of Charles Davis, an Irishman by birth, who was lately serving on board the United States frigate *Constitution* under the name of Thomas Hollands; and of a letter from captain Hall, of his majesty's ship *Royal William*, to admiral sir Roger Curtis, giving an account of the same Charles Davis, and of his escape from the *Constitution* frigate.

No. 2, contains the copy of a letter from captain Hall to sir Roger Curtis, transmitting a statement of the names and descriptions of twenty-eight British seamen on board the Constitution and Wasp.

No. 3, contains a copy of a letter from sir Roger Curtis to Mr. Croker, stating the real name and birth-place of William Smith, who ran away from the United States' frigate Constitution, and who proves to be a native of England, and whose name is John Taylor.

No. 4, contains the copy of another letter from sir Roger Curtis to Mr. Croker, transmitting the affidavits of George Warren and Daniel Murphy, British seamen who ran away from the Constitution and Hornet; and of the wife of William Bowman, who is alluded to above.

And No. 5, contains the deposition upon oath of John Taylor, mentioned in No. 3.

The correspondence between the earl of Liverpool and Mr. Russell, on the subject of Bowman, I do not enclose, concluding that Mr. Russell will have already transmitted copies of it to his government. You will, however, find in No. 4, the statement of the circumstances attending Bowman's forcible detention. I have the honour, &c. &c.

(Signed)

AUGUSTUS J. FOSTER.

Mr. Monroe to Mr. Foster. Department of State, June 8, 1812.

SIR,

I HAVE had the honour to receive your letter of June 1st, with the papers enclosed, relating to several British seamen who are stated to have entered into the naval service of the United States.

Without repeating what I had the honour to state to you in a personal interview respecting the deserter from the Gleaner, and the conduct of the armed party from that vessel who pursued him some distance into the country; I shall confine my remarks to your complaint of the detention of British seamen in American vessels, twenty-eight of whom are said to have been on board the Constitution. Although the fact cannot be admitted on the evi-

dence produced, because it is contrary to the laws of the United States, yet it will be inquired into. It is also possible that the seamen so detained, admitting the fact of their detention, may have become legally American citizens, in which case they must be protected as such. The government of the United States can make no distinction between native and naturalized citizens, as has been already remarked to you. I repeat also, that your government cannot object to this rule, because a British statute naturalizes, *ipso facto*, all alien seamen who shall have been two years on board a British ship of war, and considers them, equally with natives, within the allegiance, and entitled to the protection of Great Britain.

The principal object of your letter seems to be, to find some analogy between the American practice with respect to seamen, and the British practice, and to deduce from the former a justification of the latter. Permit me to note the difference, or rather the contrast between them.

The regulations of the United States prohibit the enlistment of aliens into their vessels of war. No such regulations exist on the side of Great Britain.

Enlistments, by force or impressment, are contrary to the laws of the United States. This mode of procuring crews for publick ships is not only practised by Great Britain within her legal jurisdiction, but is extended to foreign vessels on the high seas, with abuses which aggravate the outrage to the nations to whom the vessels belong.

Most of the states composing our Union have enacted laws providing for the restoration of seamen abandoning the service of merchant vessels, to which they were bound by voluntary engagement. If no provision has been made for the surrender of deserters from publick ships, it is because such deserters, although in many instances forced into the service, would be deemed malefactors and punishable as such; and it is not the practice of any country, particularly of Great Britain, to surrender malefactors without a stipulation, which is always reciprocal. In Great Britain, we know from experience, that no provision exists for restoring American seamen to our merchant vessels, even

to the fulfilment of their voluntary engagements; and if deserters from American ships of war are ever restored, it is by the courtesy, not the legal duty, or perhaps authority, of British naval commanders, and from the policy of recommending a practice, which if mutual, must be evidently in favour of the British service, the desertion from it being so common, in comparison with that from the service of the United States.

You observe that your government has charged you to state, that it will continue to give the most positive orders against the detention of American citizens on board British ships of war. If those orders were to prohibit the impressment of seamen from American vessels at sea, the great source of the evil, they would have been a welcome proof of its disposition to do justice and promote a good understanding between the two countries. Nothing short of this can be an adequate remedy; and the United States are known to be ready to substitute to the practice the most liberal arrangements on the subject. But, suppose the orders to be given as signified, and in the latitude and form promising most efficacy, how could they restore that portion of the thousands of our citizens who have been impressed or passed into ships stationed or cruising in remote parts of the globe? But it is signified only that your government will continue to give orders against the detention of American citizens on board British ships of war. It follows that they are to be detained as heretofore, until formal proof can be produced to the British admiralty, in each particular instance, that the seaman is a native citizen of the United States, the difficulty and delay in doing which are too obvious to need explanation. Nor is this the only cause of complaint. When such proof has been produced to the British admiralty, a direct refusal is made to the discharge of the seaman, if he has resided in Great Britain, shall have married there, or shall have accepted the bounty given to seamen voluntarily entering the service, although for the most part the American seamen, after having been forced into the service, have accepted the bounty either to relieve their wants, or otherwise to alleviate their condition. I omit other

causes of detention which might be mentioned. Add to the whole, that it is not sufficient to prove, that the seamen taken from American vessels are not subjects to Great Britain, nor the subjects of her enemy. It has been the invariable practice of the British cruisers to include in their impressments from American vessels the citizens and subjects of every neutral nation, even where it was known that they were such ; and no instance, it is believed, can be given, of the success of an application for the restoration of such neutral aliens to the service of the United States.

These observations cannot fail, as I presume, to satisfy you, sir, how little ground your government has for the complaints stated in your letter, and how much the United States have for those they have so long and so strenuously, but at the same time, so ineffectually presented, in behalf of their injured mariners.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

Mr. Foster to Mr. Monroe. Washington, June 4, 1812.

SIR,

SINCE I had the honour of seeing you at your office yesterday, I have perceived an article in the publick prints, stated to be extracted from an English newspaper, and purporting to be an official declaration of his royal highness the Prince Regent, that the orders in council will be, and are absolutely revoked from the period when the Berlin and Milan decrees shall, by some authentick act of the French government, publickly promulgated, be expressly and unconditionally repealed. A considerable time has now elapsed since by order of my government I had the honour of urging to you the expediency of procuring such an authentick act from the French government, and in all probability the above declaration may have been issued in the confident expectation that the government of the United States would have been able to produce it ere this.

At all events, sir, considering the important nature of the above mentioned article and the probability that I shall have soon to be the organ of some official communication

to the American government in relation to it, I cannot but trust that no measure will meanwhile be adopted by the Congress, which would defeat the endeavour of procuring a complete reconciliation between our two countries.

Should any embarrassments arise in consequence of the declaration on the subject of the proposed revocation of the orders in council, above alluded to, resting at present upon a mere statement in the newspapers, it will no doubt occur to your recollection, that on the enactment of those orders a measure was taken by Congress for the purpose of meeting them when they were as yet known but through the publick prints. I have the honour to be, &c. &c.

(Signed)

AUGS. J. FOSTER.

Mr. Foster to Mr. Monroe. Washington, June 4, 1812.

SIR,

I MUST rely upon your candour to feel for the embarrassment into which your note of this day has thrown me.

Willing to comply with the request contained in it, I yet cannot but be sensible that in making any portion of a despatch from his majesty's secretary of state to me the subject of a correspondence between us, I should not be justified to my own government. I believe there is no example of a correspondence of such a nature, and I should be very loth to establish the precedent.

When I had the honour to make the communication of lord Castlereagh's despatch to you, in consequence of its being left to my own discretion to do so, I did it because I had reason to think from the number of my letters which then remained unanswered at your office, such a communication, if made through a note, might have shared the fate of the rest. You will recollect that it was at your own request that I acceded to the despatch being communicated to the President; and that it was also at your instance, as being the only regular way in which the subject could come before the American government, that I determined to write to you a note founded upon it. You were aware at the latter end of last week, that such was my determination, which I repeated to you through Mr. Graham, who

called upon me on the 30th ult. to ask me when I contemplated sending it to your office. The note must have reached you and been read before any message could have been sent from the executive to Congress.

I cannot, sir, consider my note as liable to the charge of ambiguity which you now impute to it. The abandonment of our most important maritime rights is more extensively than ever connected by France with the demand of a repeal of our orders in council, and while you are entirely silent as to how far America concurs with her on this point of vital interest to Great Britain, without even a prospect of a reply from you to our just complaints, as expressed in my note on the coincidence of the attitude taken by America with the hostile system of France, I cannot but be aware of the difficulties to which I should expose myself in entering into an explanation on any insulated passage in it. I might, perhaps, by continued silence on your part, never afterwards have an opportunity of making further explanation; and you are well aware how frequently points taken unconnected with what precedes or follows them, are liable to misconstruction.

But, sir, a reason, paramount to every other, for my not committing myself to an explanation on any single topick, without the discussion between us were to be continued, is the publication of the highly important declaration of his royal highness the prince regent, to which I had the honour to allude in my note to you of this morning. You will there find stated, in as explicit and authentick a manner as language can convey, the grounds upon which his majesty's orders in council will be revoked. I cannot, it is true, as yet, refer you officially to this document, but I may now be in the expectation of receiving it in a formal shape within a very few days, and together with it every explanation possible which you may require.

I have the honour, &c.

(Signed)

AUG. J. FOSTER.

Hon. JAMES MONROE, &c. &c.

[COPY.] *Mr. Monroe to Mr. Foster. Department of State, June 6, 1812.*

SIR,

I HAVE had the honour to receive your letter of the 4th instant. The receipt of that of May 30th, has already been acknowledged.

As these letters relate to the same subject, the orders in council, I shall take both into view, in this reply.

I am not disposed to make any unnecessary difficulty, on account of the informality of the document alluded to in the last letter. If the declaration of the Prince Regent was such as to afford the satisfaction desired, it would be received, in any form entitled to credit, with great interest, as a token of just and friendly sentiments in your government towards the United States. But nothing is seen in that act, of the character which you impute to it. Without removing a single objection to the principle on which the orders in council were issued, and have been maintained, it affords a complete justification of the demand heretofore made on your government, for their repeal.

The British government has complained that the United States demanded the repeal of the orders in council on a conditional repeal of the French decrees, although the French condition required nothing of Great Britain which she ought not to have consented to; and was, moreover, a condition subsequent, and not precedent; and it now proposes to repeal the orders in council conditionally, also, with this difference, that the condition on which their repeal is to be made, is a condition precedent and not subsequent, and is likewise one which Great Britain has no right to claim.

This condition requires that the French decrees shall be absolutely and unconditionally repealed; that is, that they shall be repealed according to explanations given, not only as they related to the United States, but as to all other neutral nations; and also, as they prohibited a commerce in British manufactures, with the enemies of Great Britain.

So far as the French decrees violated the neutral com-

merce of the United States, we had a right to demand a repeal of them. To that extent we did demand their repeal, and obtained it. The repeal was declared by an authentick and formal act of the French government, and communicated to this government by the minister plenipotentiary of the United States at Paris, and to the British government by their minister plenipotentiary at London; and has, moreover, been officially published within the United States. The authenticity of the repeal was placed beyond all controversy, and the official manner in which it was communicated to your government ought to have been satisfactory to it. A general repeal of the French decrees in favour of all neutral nations, and of such parts of them as prohibited a trade with France and the countries under her control, in British manufactures, the United States have not demanded, because they had no right to demand it.

The United States have required of Great Britain no more than they required of France; namely, that her unlawful edicts should be repealed so far as they related to us. To a compliance with this demand, your government has prescribed conditions, the mere recital of which is sufficient to show their injustice. The United States can never suffer their rights to be violated by Great Britain, because the commerce of her enemy is not regulated to suit her interest and policy.

If the duke of Bassano's report to the conservative senate of France, published in a French newspaper, be sufficient evidence that the French decrees are now in force, it is not perceived on what ground the high evidence which has been afforded of their repeal could have been resisted.

It is further made a condition of the proposed repeal, by the declaration of the prince regent, that it shall take effect at a future uncertain day, and that the orders in council should be again in force, on a contingency of which the British government is to be the sole judge. If this were a ground on which the United States could call upon France to repeal her decrees, in case they were still in

force as to them, surely the French repeal, to take effect on a future specified day, and whose revival was not provided for on any contingency whatever, was a ground on which their call on Great Britain to repeal her orders in council in respect to the United States, ought not to have been resisted.

In reply to your insinuation, that the demand made on your government to repeal its edicts, which violate the neutral rights of the United States, is made in concert with France, to obtain from Great Britain an abandonment of her maritime rights, it is sufficient to refer you to documents which have been long before the publick, and particularly to the letter of Mr. Pinkney to the marquis Wellesley, of January 14, 1811, protesting in the most pointed manner against looking to any other source for the opinions and principles of the United States, than to the United States themselves. Let me repeat, with respect to the orders in council, that all we demand is, that they cease to violate the neutral rights of the United States, which they have long violated, and still violate on the high seas. Should they be continued as to France in any form which may not violate these rights, or as to any other neutral nation to which they may be applicable, it would be for such nation, and not for the United States, to contend against them.

The report of the French minister on which this declaration of your government is founded, affords no proof that the French government intended by it to violate its engagement to the United States, as to the repeal of the decrees. It evidently refers to the continental system, by the means relied on to enforce it. The armies of France can be of no avail either in the support or violation of maritime rights. This construction is the more justifiable from the consideration that it is supported by corresponding acts of the French government, continued from the time of the repeal, and by communications to the minister plenipotentiary of the United States at Paris, to the date of that report.

I beg you, sir, to be assured that it is painful to me, to

have imposed the least embarrassment on you, by the correspondence on the difference between the tenour of lord Castlereagh's letter to you, and yours founded on it to me. I continue to persuade myself, however, that you will become sensible, that with a knowledge of the extent given by your government to the conditions on which alone its orders will be repealed, and that this extent was always contemplated by your government, it was impossible for the President to be inattentive to the fact, or to withhold it from the legislative branch of the government; I have to add, that had it been proper for him so to have done, the late hour at which your note was received, not till the noon of the 1st instant, was not in time to be considered in relation to the message sent to Congress on that day.

With great respect and consideration, I have the honour to be, &c.

(Signed)

JAMES MONROE.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JUNE 11, 1812.

I TRANSMIT, for the information of Congress, copies of letters which have passed between the Secretary of State and the envoy extraordinary and minister plenipotentiary of Great Britain.

JAMES MADISON.

CORRESPONDENCE BETWEEN MR. MONROE AND MR. FOSTER,
RELATIVE TO INDIAN HOSTILITIES.

Mr. Foster to Mr. Monroe. Washington, June 7, 1812.

SIR,

It is extremely painful to me to find that, notwithstanding the assurances which I had the honour to make to you on the authority of communications from his majesty's captain general in Canada, that his majesty's officers

had not only had no hand in urging the Indian tribes to the late atrocities committed on the frontiers of the United States, but had even endeavoured, in the true spirit of friendly neighbourhood, to restrain them as far as lay in their power; such reports still continue to be circulated with revived industry, and have, in a great degree, even been countenanced by statements which were recently made in an address from a governour of one of the United States, to the citizens of that State.

To set this question at rest, I beg leave, sir, to transmit to you the enclosed copies of a letter from the late governour of Canada to his majesty's secretary of state for the war department, and the answer of lord Liverpool, which have been recently received by me, through lord Castlereagh's office, and from which you will perceive that his majesty's ministers had not only expressed their decided approbation of the conduct of the government of Canada, in using whatever influence they might possess over the Indians, to dissuade them from committing hostilities on the citizens of the United States, but also had especially directed that those exertions should be continued.

While I assure you, sir, very frankly, that I do not believe such evidence was necessary to convince the American government of the erroneous nature of the abovementioned reports, I yet beg leave to request that this letter and its enclosures may, as early as possible, be laid before the President.

I also beg leave to add, that it is really a serious inconvenience thus to find it necessary continually to furnish fresh evidence, in order to oppose rumours which, though unsupported by the shadow of a document, or any other authority whatever than mere hearsay, do yet derive a consequence from the circulation given to them under the official sanction of a state government.

I have thought it necessary to be thus explicit on this subject, on account of the odious nature of the reports in question: dreadful and horrible as they are, they would at any time suffice to excite the most violent irritation through a country, but they surely ought not to be made use of

without the most clear and convincing proofs to constitute their veracity. I have the honour, &c. &c.

(Signed) *AUG. J. FOSTER.*

Hon. JAMES MONROE, &c. &c. &c.

Copy of a Letter from J. H. Craig to the Earl of Liverpool. Quebec, March 29, 1811.

MY LORD,

UNDER the present circumstances existing between his majesty's government, and that of the American States, I feel it to be necessary to forward to your lordship, the information that is contained in the enclosed letter and papers from lieutenant governour Gore, to which I add a copy of my answer to him on the subject. This is the first direct communication that I have had either from lieutenant governour Gore, or from any officer of the Indian department, relative to the intentions of the Indians. My private accounts, however, which, though not official, were equally to be relied on, gave me assurances of their determination to have recourse to arms, so long ago as in November; and in my wish to assist in saving the American frontier from the horrors usually attending the first burst of an Indian war, by enabling them to take precautions against it, I communicated my accounts to Mr. Morier, and though I thought that an official communication might be extremely objectionable, I gave him, however, permission, if he did not think it improper from any circumstance of situation in which he might find himself with them, verbally to convey the information to the American government. And I have since heard from Mr. Morier that he did so. In January, I repeated to Mr. Morier that I continued to receive a confirmation of the intelligence I had before sent him, but I do not know whether he made any farther communication to the American government.

I have the honour to be, &c. &c.

(Signed)

J. H. CRAIG.

Copy of a Letter from Lord Liverpool to the officer administering the government of Lower Canada. Downing street, July 28, 1811.

SIR,

IN reference to the despatches, Nos. 37 and 39, of lieutenant governour sir James Craig, with their respective enclosures, on the subject of the hostile intentions which have been manifested by the Indians against the Americans, and of the measures which had been taken by that officer to dissuade them from a recourse to arms, I am commanded by his royal highness the prince regent to acquaint you that the conduct of sir James Craig, in this respect, has received his royal highness's entire approbation, and I am to desire that you will persevere in the attempt made by him to restrain the Indians from the commission of any act of hostility on the American frontier.

I have the honour to be, &c. &c.

(Signed)

LIVERPOOL.

Mr. Foster to the Secretary of State. Washington, June 8, 1812.

SIR,

SINCE I had the honour of writing to you yesterday, I have received some additional papers relating to the subject mentioned in my letter, which I transmit to you enclosed. They consist of a letter from sir James Craig to lord Liverpool, enclosing the extract of a letter from lieutenant governour Gore, and of the instructions which he had given to the deputy superintendant of Indian affairs to exert himself in restraining the Indians from committing any act of hostility against the citizens of the United States.

Allow me, sir, to request that these papers may without loss of time be communicated to the President.

I have the honour, &c.

(Signed)

AUG. J. FOSTER.

Hon. JAMES MONROE, &c. &c. &c.

Quebec, May 21, 1811.

MY LORD,

IN a despatch, No. 37, I thought it right to apprise your lordship of the appearance of hostile intentions towards the Americans, which had shown itself among the Indians in the upper country, as well as of the steps I had taken on the occasion.

In pursuing the same subject, I have now the honour to enclose copies of the letter I have received from lieutenant governour Gore, and of the instructions, which, in consequence of mine to him, he had given to the deputy superintendent of Indian affairs. I have the honour to be, &c.

(Signed) J. H. CRAIG.

The Earl of Liverpool, &c. &c.

Extract of a Letter from Lieutenant Governour Gore, to his Excellency Sir James Craig, dated "York, (Upper Canada,) March 2, 1811.

"I HAVE the honour to acknowledge the receipt of your excellency's letter of the 2d of February, which reached me on the 24th.

"I lost no time in directing the deputy superintendent general of Indian affairs to instruct the officers of the Indian department to caution and restrain the Indians from committing any act of hostility on the white inhabitants in the neighbourhood. A copy of my letter to colonel Claus is herewith transmitted."

Extract of a Letter from Lieutenant Governour Gore to Colonel Claus, deputy superintendent general of Indian affairs, dated "York Place, Feb. 26, 1811.

"IN further notice of Mr. Elliott's letters to you, it is desirable that you should desire him to be more than usually circumspect in his communications with the Indians, so as to leave no possible suspicion of favouring their projected hostilities against the United States of America. You will therefore direct him, as occasion may offer, to impress upon the Indians the certainty of eventual misfor-

tune to themselves from any attack on the whites ; to point out to them that the Americans are become so strong, that any effort on their part to prevail by arms must be vain, and that it is from such an assurance, and out of regard to their safety, comfort, and happiness, that their Great Father expressly forbids that any encouragement should be afforded to them in any warlike enterprise.”

Mr. Monroe to Mr. Foster. Department of State, June 10, 1812.

SIR,

IN answer to the letters of the 7th and 8th instant, which I have had the honour to receive from you, disclaiming any agency of your government in promoting the hostility of the Indians, it is my duty to communicate to you such information as has been transmitted to this government on the subject, at different periods, since the year 1807. From these documents it appears, that whatever may have been the disposition of your government, the conduct of its subordinate agents has tended to excite the hostility of those tribes towards the United States.

In estimating the comparative evidence on this subject, it is impossible not to recollect the communication lately made to this government respecting the conduct of sir James Craig in another important transaction, which it appears was approved by lord Liverpool.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

AUG. J. FOSTER, &c. &c.

EXTRACTS OF LETTERS TO THE SECRETARY OF WAR.

From Captain Dunham, of the United States army.—

“ Michilimackinac, May 24, 1807.

“ THERE appears to be a very general and extensive movement among the savages in this quarter. Belts of wampum are rapidly circulating from one tribe to another, and a spirit is prevailing by no means pacifick. The enclosed *talk*, which has been industriously spread among them, needs no comment.

“There is certainly *mischief at the bottom*, and there can be no doubt in my mind that the object and intention of this great Maniton, or second Adam, under the pretence of restoring to the Aborigines their former independence, and to the savage character its ancient energies, is in reality to induce a general effort to *rally*, and to strike, somewhere, a desperate blow.”

Extract from a talk delivered at Le Maiouitlinong, entrance of Lake Michigan, by the Indian chief Le Maigouis, or the Trout, May 4, 1807.

“I AM the father of the English, of the French, of the Spaniards and of the Indians. I created the first man, who was the common father of all these people as well as yourselves; and it is through him, whom I have awaked from his long sleep, that I now address you. *But the Americans I did not make; they are not my children, but the children of the Evil Spirit.* They grew from the scum of the great waters when it was troubled by the evil spirit, and the froth was driven into the woods by a strong east wind. They are numerous, but I hate them. My children, you must not speak of this talk to the whites; it must be hidden from them. I am now on the earth, sent by the great spirit to instruct you. Each village must send me two or more principal chiefs to represent you, that you may be taught. The bearer of this talk will point out to you the path to my wigwam. I could not come myself to Abre Crocte, because the world is changed from what it was. It is broken and leans down, and as it declines, the Chippewas and all beyond, will fall off and die; therefore you must come to see me and be instructed. Those villages which do not listen to this talk and send me two deputies, will be cut off from the face of the earth.”

From Captain Dunham of the United States' army.

“*Michilimackinac, August 30, 1807.*”

“THE cause of the hostile feelings on the part of the Indians, is principally to be attributed to the influence of foreigners trading in the country.”

From Governour William H. Harrison. "Jeffersonville, (Falls of Ohio,) April 14, 1808.

"A YOUNG man from the Delaware towns came to inform me that a Pottawattimie Indian had arrived at the towns with a speech from the British, in which they were informed that they (the British) were upon the point of commencing hostilities against the United States, and requesting the Delawares to join them."

From General William Clark. "St. Louis, April 30, 1809.

"I HAVE the honour to enclose you a copy of a letter which confirms my suspicions of the British interference with our Indian affairs in this country."

[EXTRACT REFERRED TO ABOVE.]

"I AM at present in the fire, receiving Indian news every day. A chief of the Puant nation appears to be employed by the British to get all the nations of Indians to Detroit, to see their fathers, the British, who tell them that they pity them in their situation with the Americans, because the Americans had taken their lands and their game, that they must join and send them off from their lands. They told the savages that the Americans could not give them a blanket nor any thing good for their families.

"They said they had but one father that helped them in their misfortunes, and that they would assemble, defend their father, and keep their lands. It appears that four English subjects have been at Riviere a la Roche this winter, in disguise ; they have been there to get the nations together and send them on the American frontiers. The Indians are pushed on by our enemies to take the fort of Belle-vue."

From Samuel Tupper, Indian factor. "Sandusky, June 7, 1809.

"THE conduct of British traders in introducing spirituous liquors among the Indians in this part of the country,

and their determined hostility to the measures of our government, have long been subjects of complaint."

From Governour William Hull. "Detroit, June 16, 1809.

"THE influence of the prophet has been great, and his advice to the Indians injurious to them and the United States. The powerful influence of the British has been exerted in a way alluring to the savage character."

From Governour Harrison. "Vincennes, June 14, 1810.

"AN Iowa Indian informs me, that two years ago this summer, an agent from the British arrived at the prophet's town, and in his presence delivered the message with which he was charged: the substance of which was to urge the prophet to unite as many tribes as he could against the United States, but not to commence hostilities until they gave the signal. From this man and others of his nation, I learn that the prophet has been constantly soliciting their own and other tribes of the Mississippi to join him against the United States."

From Gov. Harrison. "Vincennes, July 18, 1810.

"A CONSIDERABLE number of Sacs went some time since to see the British superintendent, and on the 1st inst. fifty more passed Chicago for the same destination.

"A Miami chief who has just returned from his annual visit to Malden, after having received the accustomed donation of goods, was thus addressed by the British agent: "My son, keep your eyes fixed on me; my tomahawk is now up; be you ready, but do not strike until I give the signal."

From General William Clark. "St. Louis, July 20, 1810.

"ONE hundred and fifty Sacs are on a visit to the British agent, by invitation, and a smaller party on a visit to the island of St. Joseph, in lake Huron."

From Gov. W. H. Harrison. " Vincennes, July 25, 1810.

" THERE can be no doubt of the designs of the prophet and the British agent of Indian affairs, to do us injury. This agent is a refugee from the neighbourhood of ———, and his implacable hatred to his native country prompted him to take part with the Indians in the battle between them and general Wayne's army. He has, ever since his appointment to the principal agency, used his utmost endeavours to excite hostilities, and the lavish manner in which he is allowed to scatter presents amongst them, shows that his government participates in his enmity, and authorizes his measures."

From Governour William Hull. " Detroit, July 27, 1810.

" LARGE bodies of Indians from the westward and southward continue to visit the British post at Amherstburg, and are supplied with provisions, arms, ammunition, &c. Much more attention is paid to them than usual."

Extract from the Speech of Red Jacket, in behalf of himself and the other deputies of the Six Nations, February, 1810.

" BROTHER,

" SINCE you have had some disputes with the British government, their agents in Canada have not only endeavoured to make the Indians at the westward your enemies, but they have sent a war belt amongst our warriors to poison their minds, and make them break their faith with you. At the same time we had information that the British had circulated war belts among the western Indians, and within your territory."

From John Johnson, Indian Agent. " Fort Wayne, August 7, 1810.

" SINCE writing you on the 25th ultimo, about one hundred men of the Saukies have returned from the British agent, who supplied them liberally with every thing they stood in want of. The party received 47 rifles, and a

number of fusils, with plenty of powder and lead. This is sending fire-brands into the Mississippi country, inasmuch as it will draw numbers of our Indians to the British side, in the hope of being treated with the same liberality."

From Gov. W. H. Harrison. " Vincennes, Feb. 6, 1811.

" IF the intentions of the British government are pacific, the Indian department of Upper Canada have not been made acquainted with them, for they have very lately said every thing to the Indians who have visited them, to excite them against us."

From John Johnston. " Fort Wayne, Feb. 8, 1811.

" ***** has been at this place. The information derived from him is the same I have been in possession of for several years, to wit: the intrigues of the British agents and partisans in creating an influence hostile to our people and government within our territory."

From M. Irwin, Indian Factor. " Chicago, May 13, 1811.

" AN assemblage of the Indians is to take place on a branch of the Illinois, by the influence of the Prophet: the result will be hostile in the event of a war with Great Britain."

From Gov. W. H. Harrison. " Vincennes, Sept. 17, 1811.

" ***** states that almost every Indian from the country above this had been, or were then gone to Malden on a visit to the British agent. We shall probably gain our destined point at the moment of their return. If then the British agents are really endeavouring to instigate the Indians to make war upon us, we shall be in their neighbourhood at the very moment when the impressions which have been made against us are most active in the minds of the savages.

" ***** succeeded in getting the chiefs together at Fort Wayne, though he found them all preparing to go to

Malden. The result of the council discovered that the whole tribes (including the Weas and Ecl rivers, for they are all Miamies) were about equally divided in favour of the Prophet and the United States. Lapoussier, the Wea chief, whom I before mentioned to you as being seduced by the Prophet, was repeatedly asked by ***** what land it was that he was determined to defend with his blood; whether it was that which was ceded by the late treaty or not, but he would give no answer.

“ ***** reports that all the Indians of the Wabash have been, or now are, on a visit to the British agents at Malden. He has never known one fourth as many goods given to the Indians as they are now distributing. He examined the share of one man (not a chief) and found that he had received an elegant rifle, 25 pounds of powder, 50 pounds of lead, 3 blankets, 3 strouds of cloth, 10 shirts and several other articles. He says every Indian is furnished with a gun (either rifle or fusil) and an abundance of ammunition. A trader of this country was lately in the king's stores, at Malden, and was told that the quantity of goods for the Indian department, which had been sent out this year, exceeded that of common years by 20,000 pounds sterling. It is impossible to ascribe this profusion to any other motive than that of instigating the Indians to take up the tomahawk. It cannot be to secure their trade; for all the peltries collected on the waters of the Wabash in one year, if sold in the London market, would not pay the freight of the goods which have been given to the Indians.

“ I am decidedly of opinion that the tendency of the British measures is hostility to us.”

From Gov. Willie Blount. “ Nashville, Sept. 11, 1811.

“ THERE is in this place a very noted chief of the Chickasaws, a man of truth, who wishes the President should be informed that there is a combination of the northern Indians, promoted by the English, to unite in falling on the frontier settlements, and are inviting the southern tribes to join them.”

From Governour Ninian Edwards. "Cahokia, St. Clair county, Illinois territory, April 24, 1812.

"THE opinion of the celebrated British trader, Dixon, is, that in the event of a British war, all the Indians will be opposed to us, and he hopes to engage them in hostility by making peace between the Sioux and Chipewas, two very large nations, and getting them to declare war against us."

Extract of a Letter from his excellency Ninian Edwards, Governour of the Illinois territory, to the Secretary of War, dated "Illinois territory, January 25, 1812.

"MANY of those Indians certainly contemplate joining the British. They are in the habit of visiting Fort Malden annually; and as soon as they are prepared for their departure thither, they will, (as I believe they have already declared) make inroads upon our settlements, as well to take scalps as to steal horses."

Extract of a Letter from Gen. Wm. Clark, to the Secretary of War, dated St. Louis, Feb. 13, 1812.

"IF possession was taken of a point about the mouth of Fox river, where it enters into Green Bay, communications would be cut off between the traders and Indians on the Mississippi below Prairie du Chien, and the British trading houses on the lakes. Smuggling might be prevented through that channel. Mr. Dickson, and those British traders, who are also *agents*, who have smuggled an immense quantity of goods through that channel this year, and now in the Mississippi, could be caught on their return as they go out in the spring. This description of people grasp at every means in their power to wean the affections of the Indians from any thing that is American; having it in their power to make large presents to the Indians, the most of whom are to be bought; and by this means create great difficulty wherever they have an influence."

Extracts of a Letter from John Shaw, Esquire, Indian Agent, to the Secretary of War, dated "Fort Wayne, 3d month 10th, 1812.

"It appears that the hostile disposition of the Indians confederated under the Shawanee prophet, that so recently manifested itself in the conflict on the Wabash, is not yet changed. By every thing that I am able to learn, they are secretly plotting to strike an effective blow on our frontier; and it is said that they have been this winter invited by the British agent, at fort Malden, to pay him a visit; and I believe it is a fact, that a considerable number of them have recently gone to that place with a view of procuring ammunition."

"A speech is also said to have been recently sent to Winnemac, a Pottawattamie chief, from Elliot, the British agent; but to what purpose I have not yet been able to learn."

Extracts of a Letter from John Shaw, Esq. Indian Agent, to the Secretary of War, dated Fort Wayne, 3d month 1st, 1812.

"It has been reported by a Miami Indian who was hunting a few miles from this, that twenty-four Indians of the Shawanee prophet's band, composed of Winabagoes, Kickapoos and Shawanees, passed his camp about six days ago, on their way to Sandusky, for a quantity of powder and lead, which they said was to be sent them from Canada."

"It also appears from the statements of a gentleman from Detroit, that the Morpock, (*Pottawattamie chief*) with a small party of Indians, has been for a considerable time past, encamped on the river Rasin, and constantly getting provisions from the British at fort Malden, and that it is firmly believed that he is waiting for a signal from Elliot, the British agent, to commence hostilities on our frontier."

Extracts of a Letter from Robert Forsyth Esq. to Captain Rhea, commanding at Fort Wayne, dated "Fort Wayne, March 10, 1812.

"I HAVE no doubt but those Indians that past this post some time ago, are a deputation sent to the British garrison for the purpose of procuring ammunition."

"The. Manpock, a Pottawattamie chief, has wintered at river Huron, about twenty miles from the garrison of Amherstburg, and has drawn provisions and ammunition during the whole winter. He has about twenty men with him."

Extract of a Letter from B. F. Stickney, Esq. Indian Agent, to his Excellency W. H. Harrison, dated Fort Wayne, April 18, 1812.

"MR. SHAW has informed you that twenty-four of the prophet's band had passed this place in the last of February, for fort Malden, to receive ammunition which was promised to be ready for them. They returned on the fourth instant, with as much gun powder, lead, and new fusils, as they could carry,"

DOCUMENTS RELATIVE TO A SEAMAN CLAIMED BY THE BRITISH GOVERNMENT.

Mr. Monroe to Mr. Foster. Department of State, June 10, 1812.

SIR,

I HAVE the honour to transmit to you for the information of your government, the enclosed papers, (No. 1 and 2) in relation to William Helby, alias William Bowman, a sailor belonging to the United States sloop of war the Hornet, for whom lord Castlereagh, on the 20th of February, when his lordship supposed that vessel was in a British port, informed Mr. Russell that a writ of habeas corpus would be issued and enforced by the legal authorities of Great Britain. I have the honour, &c. &c.

(Signed)

JAMES MONROE.

AUGUSTUS J. FOSTER, Esq. &c. &c. &c.

[COPY.]

Navy Department, June 8, 1812.

SIR,

HAVING seen the deposition of Elizabeth E. Bowman, in the case of William Bowman, alias William Helby, alias William Elby, said to have been compelled by force to enter on board the *Hornet*, I wrote to captain Lawrence, commander of the *Hornet*, for information on the subject, and have received from him the paper which I have the honour of transmitting herewith.

It can be scarcely necessary for me to remark that neither the laws nor usages of our country would sanction any compulsory means to induce persons to enter the navy of the United States.

I am, with great respect, &c.

(Signed)

PAUL HAMILTON.

The honourable the Secretary of State.

[COPY.]

United States' ship Hornet, New York, June 2, 1812.

I do hereby certify, that in consequence of not being able to get a birth on board a merchant ship, and being absolutely in want of bread, I was induced to enter as a seaman on board the *Hornet*, and for that purpose repaired to her rendezvous, then opened in Philadelphia, and voluntarily entered with lieutenant Cassin, on the 3d July, 1811, to serve the United States of America honestly and faithfully for the term of two years, unless sooner discharged. At the time I shipped, I declare that I was perfectly sober, and that as soon as I had received my three months advance I went on board the gun-boat then lying off the navy yard, for the purpose of receiving the men shipped for the *Hornet*, accompanied by the officer commanding her, and the landlord of the rendezvous; and I solemnly declare that no force whatever was used to compel me to enter the service, or to get me on board the gun boat.

WILLIAM HELBY.

Witnesses

JOSEPH SMOOR, midshipman United States navy.

JACOB M. JACOBS, captain's clerk.

REPORT OF THE COMMITTEE ON INDIAN AFFAIRS, RELATIVE TO
EXCITEMENTS, ON THE PART OF BRITISH SUBJECTS, OF THE
INDIANS, TO COMMIT HOSTILITY AGAINST THE UNITED STATES,
AND TO THE EVIDENCE OF SUCH HOSTILITY PRIOR TO THE
LATE CAMPAIGN ON THE WABASH. JUNE 13, 1812.

REPORT.

THE committee, to whom was referred so much of the President's message as relates to Indian affairs, report:

That the attention of the committee has been directed to the following inquiries:

- 1st. Whether any, and what agency the subjects of the British government may have had in exciting the Indians on the western frontier, to hostilities against the United States.
- 2d. The evidence of such hostility, on the part of the Indian tribes, prior to the late campaign on the Wabash.
- 3d. The orders by which the campaign was authorized and carried on.

The committee have obtained all the evidence within their power relative to these several inquiries. The documents accompanying the President's message to Congress, of the 11th instant, contain all and some additional evidence to what had been obtained by the committee, in relation to the first inquiry. Those documents afford evidence as conclusive as the nature of the case can well be supposed to admit of, that the supply of Indian goods furnished at fort Malden, and distributed during the last year by the British agents, in Upper Canada, to the Indian tribes, were more abundant than usual; and it is difficult to account for this extraordinary liberality, on any other ground than that of an intention to attach the Indians to the British cause, in the event of a war with the United States.

That the Indian tribes should put to hazard the large annuities which they have been so long in the habit of receiving from the United States; that they should relinquish

supplies so necessary to their comfort, if not to their existence, by a hostile conduct, in the absence of all other evidence, is not the least convincing proof that some agency has been employed to stimulate the savages to hostilities; and having pursued a course of conduct which must lead to a forfeiture of those advantages, renders it at least probable that they had assurances of receiving an equivalent elsewhere.

Additional presents, consisting of arms and ammunition, given at a time when there is evidence that the British were apprized of the hostile disposition of the Indians, accompanied with the speeches addressed to them, exciting disaffection, are of too decisive a character to leave doubt on the subject.

With regard to the second subject of inquiry, the committee are of opinion that the evidence accompanying this report, together with the official communication made to the executive, by the British government, affords such evidence of the hostile views and intentions of the Indians, as to render it the duty of the President of the United States to use the necessary means of protecting the frontiers from the attack with which they were threatened. Accordingly, in pursuance of the provisions of the act of Congress, entitled "An act for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions," the executive ordered the fourth regiment of infantry, with one company of riflemen, under the command of colonel Boyd, from Pittsburg to Vincennes, subject to the farther orders of governour Harrison, who was authorized, with this force and such additional number of companies from the militia as should be deemed necessary, to establish a new post on the Wabash, and to march against and disperse the armed combination under the prophet.

These considerations, together with the documents, are respectfully submitted.

War Department Dec. 19, 1811.

SIR,

IN answer to the call of the honourable committee of the house of representatives, contained in your letter of the 25th ultimo, for “all evidence tending to show what agency the subjects of his Britannic majesty may have had in exciting the Indians on the western frontier to hostility with the United States; the evidence of hostility towards the United States on the part of the Shawanee prophet and his tribe, and which it is presumed gave rise to the expedition under the command of governour Harrison; and the orders or authority vested in governour Harrison by the government of the United States, under which the expedition is carried on;”

I have the honour to state, that the information received by this department, relative to the subjects of inquiry, is contained in the correspondence of the governours of the Michigan, Indiana, and Illinois territories, and of other officers and agents of government, on the northern and western frontier, extracts from which, embracing the objects of inquiry of the honourable committee, together with the memorials of the inhabitants of the Indiana and Illinois territories, are herewith transmitted.

On the information and representation of facts therein contained, the fourth regiment of infantry, with one company of riflemen, under the command of colonel Boyd, were ordered from Pittsburgh to Vincennes, subject to the further orders of governour Harrison, who was authorized, with this force and such additional number of companies from the militia as should be deemed necessary, to establish a new post on the Wabash, and to march against, and disperse, the armed combination under the prophet. I have the honour to be, &c.

(Signed) W. EUSTIS.

Hon. SAMUEL M'KEE,
Chairman of a Committee H. of Representatives.

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EXTRACTS OF LETTERS ADDRESSED TO THE WAR DEPARTMENT.

Michilimakinak, May 24, 1807.

THERE appears to be a very general and extensive movement among the savages in this quarter. Belts of wampum are rapidly circulating from one tribe to another, and a spirit is prevailing by no means pacific. The enclosed *talk*, which has been industriously spread among them, needs no comment.

There is certainly *mischief at the bottom*, and there can be no doubt, in my mind, but that the object and intention of this great Maniton, or second Adam, under the pretence of restoring to the aborigines their former independence, and to the savage character its ancient energies, is, in reality, to induce a general effort to *rally*, and to strike somewhere, a desperate blow. Extract from a talk delivered at *Le Maiouitinong*, entrance of lake Michigan, by the Indian chief Le Maiquois, or the *Trout*, May 4th, 1807, as coming from the first man whom God created; said to be now in the Shawanese country, addressed to all the Indian tribes (referred to above.) “I am the father of the English, of the French, of the Spaniards, and of the Indians.

I created the first man, who was the common father of all these people, as well as yourselves ; and it is through him, whom I have awaked from his long sleep, that I now address you. *But the Americans I did not make. They are not my children, but the children of the evil spirit.* They grew from the scum of the great water, when it was troubled by the evil spirit, and the froth was driven into the woods by a strong east wind. They are numerous, but I hate them.

My children—You must not speak of this *talk* to the whites. *It must be hidden from them.* I am now on the earth, sent by the great spirit to instruct you. Each village must send me two or more principal chiefs to represent you, that you may be taught. The bearer of this talk will point out to you the path to my wigwam. I could not come myself to Abre Croche, because the world is changed from what it was. It is broken and leans down, and as it declines, the Chippewas, and all beyond, will fall off and die. Therefore, you must come to see me and be instructed. Those villages which do not listen to this talk, and send me two deputies, will be cut off from the face of the earth !”

Michilimakinak, August 30, 1807.

THE cause of the hostile feelings on the part of the Indians, is principally to be attributed to the influence of foreigners trading in the country.

Jeffersonville, Falls of Ohio, April 14, 1808.

A YOUNG man from the Delaware towns came to inform me that a Potawatimie Indian had arrived at the towns with a speech from the British, in which they were informed that they (the British) were upon the point of commencing hostilities against the United States, and requesting the Delawares to join them.

Vincennes, May 19, 1808.

THE prophet has selected a spot on the upper part of the Wabash for his future and permanent residence, and

has engaged a considerable number of Potawatimies, Ottawas, Chippawas, and other northern Indians to settle there, under his auspices. An intelligent man who passed (a few weeks ago) through some of the villages of the Potawatimies that are under the prophet's influence, says, that they are constantly engaged in what they term religious duties; but that their prayers are always succeeded by, or intermixed with, warlike sports.

This combination of religious and warlike exercises, and the choice of weapons of their own manufacture, sufficiently indicates the designs of their author.

St. Louis, April 5, 1809.

THE Indian prophets have been industriously employed, the latter part of the winter and spring, privately counseling with, and attempting to seduce the Kickapoos, Saukeys, and other bands of Indians residing on the Mississippi and Illinois rivers, to war against the frontiers of this country.

Fort Wayne, April 8, 1809.

THE Indians appear to be agitated respecting the conduct, and *as they say*, the intentions of the Shawanee prophet. The Chippawas, Ottawas and Pottawatimies are hurrying away from him, and say that their reason for doing so, is because he has told them to receive the tomahawk from him, and destroy all the white people at Vincennes and Ohio, as low down as the mouth of the Ohio, and as high up as Cincinnati; that the great spirit had directed that they should do so, at the same time threatening them with destruction if they refused to comply with what he proposed.

St. Louis, April 30, 1809.

I HAVE the honour to enclose you a copy of a letter which confirms my suspicions of the British interference with our Indian affairs in this country. (Extract from the enclosed letter:—“I am at present in the fire, receiving Indian news every day. A chief of the Puant nation appears to be employed by the British to get all the nations of Indians to

Detroit, to see their fathers the British, who tell them that they pity them in their situation with the Americans, because the Americans had taken their lands and their game, that they must *join* and send them off from their lands; they told the savages that the Americans could not give them a blanket, nor any thing good for their families.

“They said they had but one father that had helped them in their misfortunes, and that they would assemble, defend their father, and keep their lands.” It appears that four English subjects have been at Reviere a la Roche this winter, in disguise; they have been there to get the nations together, and send them on the American frontiers. Other Indians are pushed on by our enemies to take the fort of Belle Vue.

Vincennes, May 3, 1809.

———— is decidedly of opinion that the prophet will attack our settlements. His opinion is formed from a variety of circumstances, but principally from a communication made to Mr. ———, by two chiefs, his friends, the substance of which was, that the prophet and his followers, had determined to commence hostilities as soon as they could be prepared, and to “sweep all the white people from the Wabash and White river, after which they intended to attack the Miamis.”

About eight days ago he (the prophet) had with him three hundred and fifty warriors, well armed with rifles, and tolerably supplied with ammunition; they have also bows and arrows, war clubs and a kind of spear.

Sanduskey, June 7, 1809.

THE conduct of British traders, in introducing spirituous liquors among the Indians, in this part of the country, and their determined hostility to the measures of our government, have long been subjects of complaint, and their infamous stories have much embarrassed our operations.

Detroit, June 16, 1809.

THE influence of the prophet has been great, and his advice to the Indians injurious to them and the United

States. We have the fullest evidence, that his object has been to form a combination of them in hostility to the United States. The powerful influence of the British has been exerted in a way alluring to the savage character.

Vincennes, June 14, 1810.

I HAVE received information from various sources, which has produced entire conviction on my mind that the prophet is organizing a most extensive combination against the United States.

The person who had charge of the boat, sent up the river with the annuity salt, has just returned, and reports that the prophet and the Kickapoos who were with him, refused to receive that which he was directed to deliver to them, on his way up the Wabash; but he was ordered by the prophet to leave the salt on the bank of the river, as he could not determine whether he would receive it or not until his brother, the war chief, arrived from Detroit. On the return of the boat, the master was directed to take the salt on board, as they were determined to have nothing to do with it. Whilst they were rolling the salt into the boat the prophet seized the master by the hair and shook him violently, asking him whether he was an American?

Vincennes, June 26, 1810.

WINAMAC assured me that the prophet, not long since, proposed to the young men to murder the principal chiefs of all the tribes; observing, that their hands would never be untied until this was effected; that these were the men who had sold their lands, and who would prevent them from opposing the encroachments of the white people.

An Iowa Indian informs me, that two years ago this summer, an agent from the British arrived at the prophet's town, and in his presence, delivered the message with which he was charged, the substance of which was, to urge the prophet to unite as many tribes as he could against the United States; but not to commence hostilities until they gave the signal.

From this man and others of his nation, I learn that

the prophet has been constantly soliciting their own and other tribes of the Mississippi, to join him against the United States.

Vincennes, July 11, 1810.

I HAVE received a letter from fort Wayne which confirms the information of the hostile designs and combination of the Indians. The people in the neighbourhood where the horses were stolen are so much alarmed that they are collecting together for their defence.

Vincennes, July 18, 1810.

FROM the Iowas, I learn that the Sacs and Foxes have actually received the tomahawk, and are ready to strike whenever the prophet gives the signal. A considerable number of the Sacs went some time since to see the British superintendent, and on the first instant fifty more passed Chicago for the same destination. A Miami chief who has just returned from his annual visit to Malden, after having received the accustomed donation of goods, was thus addressed by the British agent: "My son, keep your eyes fixed on me, my tomahawk is now up, be you ready, but do not strike until I give the signal."

St. Louis, July 20, 1810.

A FEW weeks ago the post-rider, on his way from Vincennes to this place, was killed, and the mail lost; since that time we have had no communication with Vincennes. A part of the Sacs and the greatest part of the Kickapoos, who reside east of the Mississippi, have been absent some time on a visit to the Indian prophet. One hundred and fifty Sacs are on a visit to the British agent, by invitation, and a smaller party on a visit to the island of St. Joseph in lake Huron.

Vincennes, July 25, 1810.

THERE can be no doubt of the designs of the prophet and the British agent of Indian affairs to do us injury. This agent is a refugee from the neighbourhood of —,

and his implacable hatred to his native country prompted him to take part with the Indians in the battle between them and general Wayne's army. He has, ever since his appointment to the principal agency, used his utmost endeavours to excite hostilities, and the lavish manner in which he is allowed to scatter presents amongst them, shows that his government participates in his enmity, and authorizes his measures.

Detroit, July 27, 1807.

LARGE bodies of Indians from the westward and southward continue to visit the British post at Amherstburgh, and are supplied with provision, arms, ammunition, &c. &c. Much more attention is paid to them than usual.

Fort Wayne, August 7, 1810.

SINCE writing you on the 25th ultimo, about one hundred Sawkies have returned from the British agent, who supplied them liberally with every thing they stood in want of. The party received forty-seven rifles and a number of fusils, with plenty of powder and lead. This is sending firebrands into the Mississippi country, inasmuch as it will draw numbers of our Indians to the British side, in the hope of being treated with the same liberality.

Vincennes, August 1, 1810.

A NUMBER of the inhabitants of the northern frontier of the Jeffersonville district have been driven off by the Indians, and much of their property destroyed.

St. Louis, Sept. 12, 1810.

ON the night of the 20th of July, four white men who reside near the Missouri, about one hundred miles from this place, who had been in pursuit of horses which had been stolen from them, were killed in their camp, and one wounded, by the Indians.

Gomo, the principal chief of the Pottawatomies, assured me that the portion of the Pottawatomies under his

authoriy did not commit the murder. He blames the prophet, with whom he disclaims any connection.

Vincennes, Feb. 6, 1811.

IF the intentions of the British government are pacifick, the Indian department of Upper Canada have not been made acquainted with them, for they have very lately said every thing to the Indians who visited them to excite them against us.

Fort Wayne, Feb. 8, 1811.

— has been at this place. The information derived from him is the same I have been in possession of for several years, to wit: the intrigues of the British agents and partisans in creating an influence hostile to our people and government within our territory. I do not know whether a garrison is to be erected on the Wabash or not; but every consideration of sound policy urges the early establishment of a post somewhere contiguous to the prophet's residence.

Chicago, May 13, 1811.

AN assemblage of the Indians is to take place on a branch of the Illinois, by the influence of the prophet: the result will be hostile, in the event of a war with Great Britain.

St. Louis, May 24, 1811.

FROM the hostile appearance of the Indians towards the lakes, and about the head of the Wabash river, I have thought it a duty to keep out spies, and have at this time spies among those tribes. I enclose you a *talk* from the Iowas (from which the following is extracted): "I tell you this although death is threatened against those who discover it: the time is drawing nigh when the murder is to begin, and all the Indians who will not join are to die with the whites."

Chicago, June 2, 1811.

SEVERAL horses have been stolen by the Indians. The Indians in this quarter are inclined to hostility.

Vincennes, June 19, 1811.

I INFORMED you by my last that I had sent a perogue up the Wabash with the annuity salt. All the salt was taken by the prophet, five barrels of which only were destined for the prophet's town. — informs me, by the perogue, that there are about six hundred men; and that Tecumseh is daily expected, with a considerable reinforcement, from the lakes.

Illinois Territory, June 20, 1811.

INDIANS hostile. Enclosing a deposition, which proves that a man was murdered, and a woman taken prisoner.

Old Station, June 21, 1811.

IT is with pain I inform you that I just received an express, that on yesterday, 9 o'clock P. M. the Indians killed one man and mortally wounded another.

Illinois Territory, June 27, 1811.

IN consequence of the hostile appearance of the Indians, block houses are erecting on the frontier in front of the settlements. As much of the regular military force should be afforded for protection as can be spared.

Vincennes, July 2, 1811.

WE were informed four weeks ago that it was the intention of the prophet to commence hostilities in the Illinois territory, in order to cover his principal object, which was an attack upon this place.

These events require no comments. They merit, and no doubt will receive, the immediate attention of the government. The people are in great alarm, and have talked of collecting in stations. A despatch has also been received from the Illinois territory, informing of hostilities and murders.

St. Louis, July 3, 1811.

ALL the information received from the Indian country confirms the rooted enmity of the prophet to the United States, and his determination to commence hostilities as soon as he thinks himself sufficiently strong. His party is increasing, and from the insolence which himself and party have lately manifested, and the violence which has lately been committed by his neighbours and friends the Pottawatomies on our frontiers, I am inclined to believe that the crisis is fast approaching.

A number of horses have been taken from the Mississippi by Pottawatomies, Winnebagoes, and others under the influence of the prophet.

Illinois Territory, July 6, 1811.

An express has been received, with information of several other murders having been committed by the Indians on the frontiers: In fact, I consider peace as totally out of the question; we need not expect it till the prophet's party is dispersed, and the bands of Pottawotomies about the Illinois river are cut off.

Hostility with them has grown into a habit; there is no reason to believe that they will make sufficient satisfaction for the murders they committed, and the goods and horses which they stole last year, or for the very aggravated and increased instances of similar hostilities in the present year. Energetick measures would lessen his power of forming coalitions with other tribes, but we have not the power of taking any efficient means to arrest his progress; if we do not make preparation to meet him, an attack is certain; if we make preparation formidable enough to deter him, though no war actually take place, we have to encounter all the expense, inconvenience, and injury to which war with him would subject us, and there seems to be no reasonable ground to hope for a change for the better, whilst he is permitted to increase his strength from impunity.

Vincennes, July 10, 1811.

I HAVE supposed that if the prophet does not immediately throw off the mask and commence the war, that calamity might yet be avoided by marching a considerable force up to our exterior boundary on the Wabash, and requiring the immediate dispersion of the banditti he has collected.

Belle Fontaine, July 22, 1811.

ON the 11th instant, I detached a subaltern, sergeant, corporal, and fifteen privates, with a month's provisions, to the Illinois river, to choose a proper site for a block house for temporary accommodation and defence; with orders to scout and reconnoitre the country and to watch every movement of the Indians.

Vincennes, August 6, 1811.

THE Shawonoe chief Tecumsch, has made a visit to this place with about three hundred Indians, though he promised to bring but a few attendants; *his intentions hostile*, though he found us prepared for him.

Tecumsch did not set out till yesterday, he then descended the Wabash, attended by twenty men, on his way to the southward. After having visited the Creeks and Choctaws he is to visit the Osages and return by the Missouri. The spies say his object in coming with so many, was to demand a retrocession of the late purchase. At the moment he was promising to bring but a few men with him, he was sending in every direction to collect his people: that he meditated a blow at this time was believed by almost all the neutral Indians.

Illinois Territory, August 11, 1811.

NOTHING but the most perfect conviction of the necessity, could have induced the calling out of the militia. Whether the Prophet intends to make war or not, partial war must continue to be the consequence: the hostility which he excites against the United States is the cement

of union among his confederates, and such is the nature of Indians, that they cannot be collected and kept together under such circumstances, without having their minds prepared for war, and in that situation it is almost impossible to restrain them from premature acts of hostility. Were this the only danger it would be sufficient to justify the dispersion of the Prophet's party.

Fort Wayne, August 18, 1811.

It appears that the fruit of the Shawonoe Prophet and his band, is making its appearance in more genuine colours than heretofore. I have lately had opportunities of seeing many of the Indians of this agency from different quarters, and by what I have been able to learn from them, particularly the Pottawatomies, I am induced to believe the news circulating in the papers respecting the depredations committed in the Illinois territory by the Indians, is mostly correct, and is thought by them to have proceeded from Mar Poe and the influence of the Shawonoe Prophet. Several of the tribes have sent to me for advice.

Nashville, September 10, 1811.

As I passed through the Chickasaw nation, a respectable man of that nation informed me that a deputation of eighteen northern Indians and two Creeks were on their way to the Creek nation, but would not tell their business, nor the object of their mission. The party consisted of six Shawanoes, six Kickapoos, and six of some tribe far to the north west, the name of which they refused to tell; from the manner in which they proceeded the Indians are of opinion, their intention is to stimulate the Creeks and Cherokees to hostilities against the United States.

Nashville, September 9, 1811.

THERE is in this place a very noted chief of the Chickasaws, a man of truth, who wishes the President should be informed that there is a combination of the northern Indians, promoted by the English, to unite in falling on the

frontier settlements, and are inviting the southern tribe to join them.

Vincennes, September 17, 1811.

—— states that almost every Indian from the country above this, had been, or were then gone to Malden on a visit to the British agent. We shall probably gain our destined point at the moment of their return. If then the British agents are really endeavouring to instigate the Indians to make war upon us, we shall be in their neighbourhood at the very moment when the impressions which have been made against us are most active in the minds of the savages. —— succeeded in getting the chiefs together at Fort Wayne, though he found them all preparing to go to Malden. The result of the council discovered that the whole tribes (including the Weas and Eel rivers, for they are all Miamies) were about equally divided in favour of the Prophet and the United States. Lapourier, the Wea chief, whom I before mentioned to you as being seduced by the Prophet, was repeatedly asked by —— “ what land it was that he was determined to defend with his blood, whether it was that which was ceded by the late treaty or not?” but he would give no answer.

—— reports that all the Indians of the Wabash have been, or now are, on a visit to the British agent at Malden; he has never known more than one fourth as many goods given to the Indians as they are now distributing. He examined the share of one man (not a chief) and found that he had received an elegant rifle, 25 pounds of powder, 50 pounds of lead, 3 blankets, 3 strouds of cloth, 10 shirts, and several other articles. He says every Indian is furnished with a gun (either rifle or fusil) and an abundance of ammunition. A trader of this country was lately in the king's store, at Malden, and was told that the quantity of goods for the Indian department, which had been sent out this year, exceeded that of common years by 20,000 pounds sterling. It is impossible to ascribe this profusion to any other motive than that of instigating the Indians to take up the tomahawk. It cannot be to secure their trade, for

all the peltries collected on the waters of the Wabash in one year, if sold in the London market, would not pay the freight of the goods which have been given to the Indians. Although I am decidedly of opinion that the tendency of the British measures is hostility to us, candour obliges me to inform you, that, from two Indians of different tribes, I have received information that the British agent absolutely dissuaded them from going to war against the United States. One of them (a Delaware) says that he was present at the audience given by the agent to three hundred Sacs from the Mississippi. The latter informed him that they had taken up the tomahawk against the United States, at the request of the Prophet, and that they came there to get arms and ammunition. That ——— told them he would supply their wants, but strongly advised them to decline the meditated war.

Vincennes, September 25, 1811.

As captain Piatt was coming from Louisville to this place, his horses and that of another traveller were taken from the stable, on the White river, thirty-five miles from this; and the night after, four others from the Roperon settlement. The trail of the horses from the latter place, was very visible; and two white men and a free negro, who speaks some of the Indian languages, went immediately in pursuit of them. They crossed the Wabash, and on the second day near night, they came to the Indian camp. There were but three Indians in the camp, and they soon discovered their own horses, captain Piatt's and a number more. They agreed to give up the four horses taken from Roperon. Our people commenced their return, and had gotten but a few miles when they perceived the Indians following them. Having but one gun amongst them, they endeavoured to escape by flight, but the two foremost Indians soon came so near as to fire on them. They had no other alternative than to abandon all the horses, even those which they had rode, and betake themselves to a thick swamp which luckily presented itself.

Vincennes, October 6, 1811.

THE Indians have been again plundering our citizens. They took eight horses from a detached settlement in the Illinois territory, about thirty miles above Vincennes, in open day light.

On the Wabash, October 13, 1811.

THE Prophet has not contented himself with throwing the gauntlet, but has absolutely commenced the war. His parties were in our neighbourhood for the first time, on the night of the 10th instant. Our sentinels were fired upon, and one of the best men of the 4th regiment badly, though not mortally wounded.

On the Wabash, October 28, 1811.

THE Delaware chiefs arrived in camp yesterday, and gave an account of their efforts to induce the prophet to lay aside his hostile designs. They were badly treated and insulted, and finally dismissed with the most contemptuous remarks upon them and us. The party which fired upon our sentinels, arrived at the town when the Delawares were there; they were Shawanoes, and the prophet's nearest friends.

Vermillion River, November 2, 1811.

A LETTER from colonel Miller (whose indisposition was such as to oblige me to leave him at the new fort) announces, that an attack has been made upon a boat loaded with corn, which was ascending the river from the fort, to this place. It was fired on four miles above the fort, and one man killed.

Chickasaw, November 29, 1811.

THE Shawanoe Indians, and some of the Kickapoos, solicited the king of this nation for men to join the prophet's party. I am told that there are some Creeks gone to join the prophet's party; how many I have not heard.

I have been constantly advising this nation against, and showing them the consequences of, joining the prophet.

St. Louis, November 23, 1811.

ONE of the bands of the Pottawatomies, on the Illinois river, have lately killed about twenty head of cattle and a number of hogs, the property of the inhabitants of the village of Peorias, and have threatened the white settlers of that village with destruction if they take part with the Americans in preference to them. A like conduct has been pursued by some of the Indians about Prairie de Chein, who have ascended the Mississippi above that place, and are wintering with a trader who, as I am informed, has smuggled a very large supply of British goods into the Mississippi by Prairie de Chein.

I am willing to believe that when the unfriendly bands, towards the lakes, hear of the defeat of the prophet, and the loss which has been sustained by his followers, that their tone will be changed, (if no exertions are made by the British agents) and they will most probably come into the measures of their chiefs who have been willing to be on friendly terms, and do us justice.

To effect a permanent termination of the differences which now exist, I presume the prophet's party will be pursued in every direction, caught and punished, and temporary establishments of regular troops made, calculated to prevent Indian combinations, and check British influence with those tribes towards the lakes.

A Pottawatomie chief, called the White Rabbit, is at this time on a mission from the prophet to the Saes, Foxes and Seioux, the object of which is, to gain them over to his party: those tribes to act in the spring. I do not believe the mission will succeed; indeed, I have not been under any apprehension of the prophets gaining over any of the Indians of this side of the Mississippi.

The Saes, Foxes and some of the Iowas, were, at one time, partially under the influence of the prophet and British, and would have done a great deal of mischief, if their plans had not been fortunately discovered in time.

I am informed that the British agents, or suspected persons, have been, indirectly, tampering with the Sacs, Ioways and Seioux; if they meet with any success it will be partial.

MEMORIALS

FROM THE INHABITANTS OF THE INDIANA AND ILLINOIS TERRITORIES, ADDRESSED TO THE PRESIDENT OF THE UNITED STATES.

AT a meeting of a very considerable number of the citizens of the county of Knox, at the seminary in Vincennes, on Wednesday the 31st of July, 1811; when Col. Ephraim Jordon was appointed president, and captain James Smith, secretary. Thereupon, general W. Johnson addressed the meeting, in which he informed them of the present situation of the inhabitants of not only the town, but country, in regard to the Shawanoe prophet, his brother Tecumseh and their confederacy of Indians, and advised, that for the safety of the citizens, some resolutions should be fallen into; and the following were adopted, viz:

1. *Resolved*, That it is the opinion of this meeting, that the safety of the persons and property of this frontier can never be effectually secured but by the breaking up of the combination formed by the Shawanoe prophet on the Wabash.

2. *Resolved*, That we consider it highly impolitick and injurious, as well to the inhabitants of the United States as that of the territory, to permit a formidable banditti, which is constantly increasing in number, to occupy a situation which enables them to strike our settlements without the least warning.

3. *Resolved*, That we are fully convinced that the formation of the combination headed by the Shawanoe prophet is a British scheme, and that the agents of that power are constantly exciting the Indians to hostilities against the United States.

4. *Resolved*, That the assemblage of Indians at this place, at this time, and under the circumstances which

attend it, was calculated to excite the most serious alarm, and but for the energetic measures which have been adopted by our executive, it is highly probable that the threatened destruction of this place, and the massacre of the inhabitants, would have been the consequence.

5. *Resolved*, That a temporizing policy is not calculated to answer any beneficial purpose with savages, who are only to be controlled by prompt and decisive measures.

6. *Resolved*, That we approve highly of the prompt and decisive measures adopted by the governour of the territory. We are convinced that the situation in which we stand with the prophet and his adherents rendered them necessary for our safety, and from them we confidently expect such a termination of the presumptuous pretensions of this daring chief, as must be pleasing to every patriot and honourable to himself.

7. *Resolved*, That a committee, to consist of the Rev. Samuel T. Scott, Rev. Alexander Devin, colonel Luke Decker, colonel Ephraim Jordon, Daniel M'Clure, and Walter Wilson, Esquires, and colonel Francis Vigo, or a majority of them, be, and they are hereby appointed to prepare and forward to the executive of the United States a respectful address on the behalf of this meeting, assuring him of our attachment to his person and administration, and requesting him to take such measures as his wisdom may dictate to free the territories in this quarter from future apprehensions from the prophet and his party; and that he also be requested to insist upon the surrender, by the Indian tribes, of those who have murdered our fellow citizens, and provide compensation for such as have lost their property.

8. *Resolved*, That these resolutions be printed in the Western Sun, and also that an address may be prepared and forwarded to the President in pursuance of them.

E. JORDON, *President*.

JAMES SMITH, *Secretary*.

TO JAMES MADISON, PRESIDENT OF THE UNITED STATES.

SIR,

IN obedience to the wishes of a numerous meeting of our fellow citizens, assembled for the purpose of taking into consideration the state of this country in relation to Indian affairs, we have the honour to address you. In approaching the chief magistrate of our country, who is so deservedly celebrated for the talents which distinguish the statesman, and the virtues which adorn the man, we should not do justice to our own feelings, and the feelings of those whom we represent, if we neglected to express our confidence in his administration, and our sincere respect and esteem for his person.

In fulfilling the duty which has been assigned to us, sir, it is scarcely necessary that we should do more than to refer you to the resolutions which are enclosed: they contain a true statement of facts, and a true picture of the feelings of the citizens of this part of the country. It is impossible to doubt but that the combination which has been formed on the Wabash is a British scheme; and it is equally certain that this banditti is now prepared to be let loose upon us, and that nothing but vigorous measures will prevent it. In this part of the country, we have not as yet lost any of our fellow citizens by the Indians; but depredations upon the property of those who live upon the frontiers, and insults to the families that are left unprotected, almost daily occur.

The impunity with which these savages have been so long suffered to commit crimes, has raised their insolence to a pitch that is no longer supportable.

We are not, sir, advocates for unnecessary rigour towards our Indian neighbours. The character which some of us sustain as ministers of the gospel of Christ, will shield us from the suspicion that we wish to plunge our country in an unnecessary war: our object is peace; but we are fully persuaded that blessing can now only be secured to us by the exertion of some vigour.

Let the savages be made sensible that every aggression from them will meet with prompt punishment, and Indian depredations will seldom be heard of.

Since the adoption of the resolutions under which we act, we have listened to the speech delivered by the brother of the prophet to governour Harrison, and if a doubt remained upon our minds as to the designs of the confederacy he has formed, it has been completely removed. Shall we then quietly wait the stroke, when we see the weapon suspended over us? We hope and trust this will not be expected, and that the general government will take effectual measures to avert the danger: What these measures shall be we will not presume to dictate; but we beg leave most respectfully to observe, that we conceive that the country will for ever be exposed to those alarms, which are at once so injurious to its settlement and the interests of the United States, so long as the banditti under the prophet are suffered to remain where they now are. The people have become highly irritated and alarmed; and if the government will not direct their energies, we fear that the innocent will feel the effects of their resentment, and a general war be the consequence. The western country, sir, is indebted to your predecessor for an undeviating attention to its prosperity, and the gratitude and attachment which they feel towards that distinguished patriot, can never be effaced. With equal confidence they look up to his successor, who, pursuing the same course of politicks with regard to European powers, is to them sufficient proof of coincidence of sentiment in that which relates to the continent.

That you may be the means, under Providence, of establishing the affairs of your country, and settling its interests in every quarter of the globe, upon a secure and lasting foundation, and that you may long live to enjoy the blessing of your countrymen for the happiness procured for them; is the sincere prayer of your fellow citizens,

SAMUEL T. SCOTT,
ALEXANDER DEVIN,
LUKE DECKER,
EPHRAIM JORDON,

DANIEL M'CLURE,
WALTER WILSON,
FRANCIS VIGO.

AT a large meeting of the inhabitants of the county of St. Clair, Illinois territory, where colonel William Whiteside was conducted to the chair, and Samuel D. Davidson, Esq. appointed secretary ;

Resolved unanimously, that the following memorial be presented to Ninian Edwards, governour of the territory aforesaid, as the joint sense of the meeting, to be signed by the chairman ; which humbly sheweth, that we are highly gratified in the prompt, speedy, and prudential manner in which your excellency has issued your orders for the defence of the exposed frontiers of said country, to oppose the repetition of Indian hostilities ; and that we have the utmost and uncontrovertible confidence in your abilities and patriotism, for our safety in the present alarming times, as the constitutional channel between the general government and us.—*Wherefore*, we confidentially request of your excellency to forward the annexed memorial to the President of the United States, with such statements as may appear reasonable and just, to gain the object prayed for, as we are confident your excellency must feel and see with us, that one or more garrisons, established and defended by the regular veterans of the United States, would be of the utmost safety to the extensive and exposed frontiers of both the Louisiana and Illinois territories, in a more particular manner, as the great and numerous tribes of Indians, who had the hardihood and insolence to wage war against the United States, (and in some instances with effect) a few years since, that by the treaty of Greenville, and other subsequent treaties, have relinquished their title to their former hunting ground, which is now transformed into substantial plantations, and are changing their habitations fast from the lakes, and waters of the Ohio, down the Illinois river to the Mississippi, where, undoubtedly, it would be necessary to establish a fort, in order to set reasonable bounds to their savage fury and unprovoked disturbance ; we beg leave to refer your excellency to a view of the great and manifest benefits lately obtained, by the garrisons established far up on the two

great rivers, several hundred miles above their junction, when, before the establishing of these strengths, there did not a season pass by, but some innocent person fell a victim to savage barbarity, on both sides of the river; and we confidently believe it would have the same salutary effect, in establishing one fort or block house on the first eminence above either the mouths of the Missouri or the Illinois rivers, and another in the seditious village of Priarias, the great nursery of hostile Indians and traitorous British Indian traders; we hope it will not be thought superfluous to mention, that the above request is not to gratify our pride or avarice, in obtaining military pomp to decorate our streets, or the expenditure of publick money to buy our produce, but it is to keep the improving citizen in peace, on a remote region from the United States, who is now working to convert the fertile and extensive plains of the Mississippi into the fairest portion of the Union. From different circumstances, the inhabitants of this country are not in possession of a sufficiency of arms to repel any attack that may be offered; owing to the present alarm, it is not in my power to buy any, and a considerable portion of the militia are not circumstanced to buy; if your excellency will be pleased to make use of your good office to obtain from the general government the use of what rifles and muskets as may be thought, in your wisdom, needful, it certainly would be of great service to this frontier country.

(Signed)

WM. WHITESIDE,
SMAL. D. DAVIDSON.

AT a numerous meeting of the militia officers and other inhabitants of St. Clair county, Illinois territory, at the court house, the — day of —, 1811, to take into consideration the alarming situation of the frontiers of this county, from the numerous and horrid depredations lately committed by the Indians; colonel William Whiteside was conducted to the chair, and Samuel D. Davidson appointed secretary.

Resolved, That there be a memorial immediately signed by the chairman of this meeting, and countersigned

by the secretary, stating to the President of the United States, the necessity of his ordering what number of regular troops he in his wisdom may think requisite, to be stationed for the defence of said county.

Resolved, that the said memorial be sent to the governor of said territory, requesting him to forward the same to the President of the United States, and make such statement (to accompany said memorial) as the urgency of the subject does require.

TO JAMES MADISON, PRESIDENT OF THE UNITED STATES,
GREETING.

THE memorial of the inhabitants of the aforesaid county, humbly sheweth :

That the inhabitants residing on the frontiers aforesaid have sustained frequent and repeated damages from the different and numerous tribes of Indians, on, and in the neighbourhood of the Illinois river these five or six years past, by stealing their horses and other property, as well as the cruel murder of some few of their citizens. In lieu of retaliating, the said citizens curbed their passions and restrained their resentment, lest they should be so unfortunate as to draw a stigma on the government, by punishing the innocent for the transgressions of the guilty ; and, in one instance restrained the vindictive spirit, by taking two Indians prisoners, who were in possession of stolen property, after a chase of one hundred miles, and gave them up to the law.

We are become the victims of savage cruelty in a more hasty and general manner than what has lately been experienced in the United States. Last spring there were numbers of horses stolen. On the 2d of June, a house of Mr. Cox was robbed of valuable effects, five horses stolen, a young man massacred, and his sister taken prisoner ; sad and conclusive presages of war ! There was likewise a man severely wounded when following the aforesaid Indians.

On the twentieth of the same month, (June) a man was killed and scalped, and another mortally wounded, which

can be more fully stated by the executive of said territory. Those who have suffered, are not intruders, but are living on their own farms, on the north western frontier of said county. From our knowledge of the danger we are in, and our long suffering, we think we ask nothing but what is reasonable, and what will be advantageous to the United States; when we implore you to station what number of soldiers you may think sufficient to establish a garrison at the village of Piorias, commonly called Opea, on the Illinois river; and one other on the eastern bank of the Mississippi, at, or near, the place once viewed and adopted by captains Stoddart and Bissel, six or eight miles below the mouth of said Illinois river, both sites being covered by treaty. We beg leave to refer you to the governour of said territory concerning the urgency and necessity of the case; not doubting, but that you will grant our request, if you think it will be for the welfare of the Union.

(Signed)

WILLIAM WHITESIDE.

SAMUEL D. DAVIDSON.

War Department, January 17, 1812.

SIR,

IN addition to the information heretofore given in answer to your letter of the 25th of November, I have the honour to enclose extracts from the speeches of the Seneca, and Ottawa nations of Indians. With great respect, sir, &c.

W. EUSTIS.

Hon. SAMUEL M'KEE, Chairman.

Extract from a Speech of Red Jacket, in behalf of himself and the other deputies of the Six Nations.

Brother—At the time we were making bright the chain of friendship at Canandaigua, the commissioner on your part told us, that time might come when your enemies would endeavour to disturb our minds, and do away the friendship we had then formed with you. That time, brother, has already arrived. Since you have had some disputes with the British government, their agents in Canada have not only endeavoured to make the Indians at

the westward your enemies, but they have sent a war belt amongst our warriors to poison their minds and make them break their faith with you. This belt we exhibited to your agents in council, and then sent it to the place from whence it came, never more to be seen among us. At the same time we had information that the British had circulated war belts among the western Indians, and within your territory. We rested not, but called a general council of the Six Nations, and resolved to let our voice be heard among our western brethren, and destroy the effects of the poison scattered among them. We have twice sent large deputations to their council fire, for the purpose of making their minds strong in their friendship with your nation; and in the event of a war between the white people, to sit still on their seats, and take no part on either side; so far as our voice has been heard, they have agreed to hearken to our council, and remain at peace with your nation.

Brother—If war should take place, we hope you will inform us of it through your agents, and we will continue to raise our influence with all the Indians with whom we are acquainted, that they will sit still upon their seats, and cultivate friendship with our people.

(Signed by all the chiefs.)

[Taken from the interpretation of Mr. Jasper Parish, in presence of Erastus Granger, United States' agent to the Six Nations, Washington City, February 13, 1810.]

Extract from the speech of the Ottawa nation of Indians, delivered to the Secretary of War by their delegation on the 5th of October, 1811.

" FATHER,

" A MAN of the Pottawatomy nation, who pretends to be a prophet among us, has frequently endeavoured to stir up a hostile disposition in our minds towards the American people. He has very lately sent a speech to us and the Chippewa nation, fraught with bad and foolish advice.

" Father! Our ears are closed to those bad birds which

sing around us, and we have returned for answer, that whosoever listened to the advice of the Prophet or his followers, would be destroyed by the American people."

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JUNE 15, 1812.

I TRANSMIT, for the information of Congress, copies of letters which have passed between the Secretary of State and the envoy extraordinary and minister plenipotentiary of Great Britain.

JAMES MADISON.

Mr. Foster to Mr. Monroe. Washington, June 10, 1812.

SIR,

It has been extremely satisfactory to me to find by your letter dated June 6th, which I had the honour to receive yesterday morning, that it was not the wish of the American government to close all further discussion relative to the important question at issue between the two countries. I beg you to be assured, sir, that it never was my intention, in alluding to my letters which had remained without answer at your office, to use any expressions which could, in the most remote manner, contain any thing personal. I shall ever be ready, with pleasure, to bear testimony to that frankness, candour and good temper, which so eminently distinguish you, and have been acknowledged to belong to you, by all who have ever had the honour to discuss with you any questions of publick interest.

But, sir, although you were not backward in entering into full explanations with me verbally, I could not but feel, particularly as I had just had communications to make to you of the greatest importance, that I had a right

to expect from you a written reply to them; and while I remembered that two of my former notes were still unanswered, the one written three months ago, containing, among other important topicks, a particular question which I was expressly instructed to put to you, as to whether you could point to any publick act, on the part of the French government, by which they had really revoked their decrees, and the other furnishing strong evidence of the continued existence of those very decrees; also, when I perceived that my note, communicating the duke of Bassano's report, which you knew was to be sent to you on the 1st inst. was not waited for, but that a message was transmitted by the executive to Congress, which it seems contained a reference to an insulated passage in the despatch on which my note was founded, that if taken unconnected with what preceded or followed it, might be liable to misconstruction, I could not avoid apprehending that no means of further explanation might be left open to me.

I beg you to be assured, sir, that if I was embarrassed by your demands of an explanation as to what appeared to you to be a difference between lord Castlereagh's despatch, communicated to you, and my note, it arose from the novelty of the demand, that seemed to involve an informality of proceeding in which I could not feel myself justified in acquiescing. Had you in making a reply to my communication, asked me how far a repeal of the French decrees was demanded by my government, and as to whether a special repeal as far as respected America, would be sufficient, I should have had no hesitation in giving you every satisfaction.

Your note of the 6th instant has, by showing that the door was not absolutely shut to a continuation of our discussion, relieved me from further difficulty on this point.

I have no hesitation, sir, in saying that Great Britain, as the case has hitherto stood, never did, nor ever could engage, without the grossest injustice to herself and her allies as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other states, upon condition that France would except

singly and specially, America from the operation of her decrees. You will recollect, sir, that the orders in council are measures of defence, directed against the system contained in those decrees; that it is a war of trade which is carried on by France; that what you call the municipal regulations of France, have never been called municipal by France herself, but are her main engines in that novel and monstrous system. It cannot then be expected that Great Britain should renounce her efforts to throw back upon France the evils with which she menaces Great Britain, merely because France might seek to alleviate her own situation, by waving the exercise of that part of her system which she cannot enforce.

But, sir, to what purpose argue upon a supposed case, upon a state of things not likely to occur, since the late report and senatus consultum which have been published to the world, as it were insultingly in the face of those who would contend that any repeal whatever had taken place of the decrees in question.

You draw a comparison between the mode in which this instrument has appeared, and that which you call the high evidence of the repeal as stated in M. Champagny's note; and it would almost seem as if you considered the latter as the most authentick of the two; but, sir, you cannot seriously contend that the duke of Bassano's report, with the senatus consultum accompanying it, published in the official paper of Paris, is not a very different instrument from the above letter, offering a mere provisional repeal of the decrees, upon conditions utterly inadmissible, conditions too, which really formed of themselves a question of paramount importance.

The condition then demanded, and which was brought forward so unexpectedly, was a repeal of the blockade of May, 1806, which Mr. Pinkney, in the letter you have referred me to, declared to have been required by America as indispensable in the view of her acts of intercourse and non-intercourse, as well as a repeal of other blockades of a similar character which were maintained by Great Britain to be founded on strict maritime right.

The conditions now annexed to the French demand are much more extensive, and, as I have shown, include a surrender of many other of the most established principles of the publick law of nations.

I cannot, I confess, see upon what ground you contend that the report of the duke of Bassano affords no proof against any partial repeal of the French decrees. The principles advanced in that report are general; there is no exception made in favour of America; and in the correspondence of Mr. Barlow, as officially published, he seems to allow that he had no explanation respecting it. How can it, therefore, be considered in any other light than as a republication of the decrees themselves, which, as it were, to take away all grounds for any doubt, expressly advances a doctrine that can only put in practice on the high seas, namely, "that free ships shall make free goods," since the application of such a principle to vessels in port is absolutely rejected under his continental system.

It is, indeed, impossible to see how, under such circumstances, America can call upon Great Britain to revoke her orders in council. It is impossible that she can revoke them at this moment, in common justice to herself and to her allies; but, sir, while under the necessity of continuing them, she will be ready to manage their exercise, so as to alleviate, as much as possible, the pressure upon America; and it would give me great pleasure to confer with you at any time upon the most advisable manner of producing that effect.

I have the honour to be, &c. &c.

(Signed)

AUG. J. FOSTER.

Hon. JAMES MONROE, &c.

Mr. Monroe to Mr. Foster. Department of State, June 13, 1812.

SIR,

I AM not aware that any letter of yours, on any subject, on which the final decision of this government had not been communicated to you, has been suffered to remain without a prompt and written answer. And even in the

cases thus supposed to have been settled, which you thought proper to revive, although no favourable change had taken place in the policy or measures of your government, I have never failed to explain to you, informally, in early interviews, the reasons which made it imperiously the duty of the United States to continue to afford to their rights and interests all the protection in their power. The acknowledgment of this, on your part, was due to the frankness of the communications which have passed between us on the highly important subjects on which we have treated, and I am happy to find by your letter of the 10th instant, that, in relying on it, I have not been disappointed.

The impropriety of the demand made by your government of a copy of the instrument or instructions given by the French government to its cruisers, after the repeal of the Berlin and Milan decrees, was sufficiently shown in Mr. Pinkney's letter to the marquis of Wellesley of the 10th of December, 1810, and in my letters to you of 23d July, 1811, and 14th January last. It was for this reason that I thought it more suitable to refer you to those letters, for the answer to that demand, than to repeat it in a formal communication.

It excites, however, no small surprise that you should continue to demand a copy of that instrument, or any new proof of the repeal of the French decrees, at the very time that you declare that the proof which you demand, in the extent to which we have a right to claim the repeal, would not, if afforded, obtain a corresponding repeal of the orders in council. This demand is the more extraordinary, when it is considered that since the repeal of the decrees, as it respects the United States, was announced, your government has enlarged its pretensions, as to the conditions on which the orders in council should be repealed, and even invigorated its practice under them.

It is satisfactory to find that there has been no misapprehension of the condition, without which your government refuses to repeal the orders in council. You admit that to obtain their repeal, in respect to the United States, the repeal of the French decrees must be absolute and un-

conditional, not as to the United States only, but as to all other neutral nations; nor as far as they affect neutral commerce only, but as they operate internally and affect the trade in British manufactures with the enemies of Great Britain. As the orders in council have formed a principal cause of the differences which unhappily exist between our countries, a condition of their repeal, communicated in any authentic document or manner, was entitled to particular attention. And surely none could have so high a claim to it, as the letter from lord Castlereagh to you, submitted by his authority to my view, for the express purpose of making that condition, with its other contents, known to this government.

With this knowledge of the determination of your government, to say nothing of other conditions annexed to the repeal of the orders in council, it is impossible for me to devise or conceive any arrangement, consistent with the honour, the rights and interests of the United States, that could be made the basis or become the result of a conference on the subject. As the President, nevertheless, retains his solicitude to see a happy termination of any difference between the two countries, and wishes that every opportunity, however unpromising, which may possibly lead to it, should be taken advantage of, I have the honour to inform you, that I am ready to receive and pay due attention to any communications, or propositions having that object in view, which you may be authorized to make.

Under existing circumstances it is deemed most advisable, in every respect, that this should be done in writing, as most susceptible of the requisite precision, and least liable to misapprehension. Allow me to add, that it is equally desirable that it should be done without delay. By this it is not meant to preclude any additional opportunity which may be afforded by a personal interview.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

AUG. J. FOSTER, Esq. &c. &c.

Mr. Foster to Mr. Monroe. Washington, June 14, 1812.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 13th inst.

It is really quite painful to me to perceive, that notwithstanding the length of the discussions which have taken place between us, misapprehensions have again arisen respecting some of the most important features in the questions at issue between the two countries, which misapprehensions, perhaps proceeding from my not expressing myself sufficiently clear in my note of the 10th inst. in relation to one of those questions, it is absolutely necessary should be done away.

I beg leave again to state to you, sir, that it is not the operation of the French decrees upon the British trade with the enemies of Great Britain, that has ever formed a subject of discussion between us, and that it is the operation of those decrees upon Great Britain, through neutral commerce only which has been really the point at issue. Had America resisted the effect of those decrees in their full extent upon her neutral rights, we should never have had a difference upon the subject. But while French cruisers continued to capture her ships under their operation, she seems to have been satisfied if those ships were released by special imperial mandates, issued as the occasion arose; and she has chosen to call municipal an unexampled assumption of authority by France in countries not under French jurisdiction, and expressly invaded for the purpose of preventing their trade with England, upon principles directly applicable to, if they could be enforced against, America.

I beg you to recollect, sir, that if no revocation has been made, of the orders in council, upon any repeal of the French decrees, as hitherto shown by America to have taken place, it has not been the fault of his majesty's government. It was France, and afterwards America, that connected the question relative to the right of blockade, with that arising out of the orders in council. You well

know that if these two questions had not been united together, the orders in council would have been, in 1810, revoked. How could it be expected that Great Britain, in common justice to other neutral nations, to her allies, and to herself, should not contend for a full and absolute repeal of the French decrees, or should engage to make any particular concession in favour of America, when she saw that America would not renounce her demand for a surrender, with the orders in council, of some of our most important maritime rights.

Even to this day, sir, you have not explicitly stated in any of the letters to which you refer me, that the American government would expressly renounce asking for a revocation of the blockade of 1806, and the other blockades alluded to in Mr. Pinkney's letter; much less have I been able to obtain from you any disclaimer of the right asserted by France to impose upon the world the new maritime code promulgated by France in the late republication of her decrees, although I have, by order of my government, expressly stated their expectation of such disclaimer, and repeatedly called for an explanation upon this point.

I will now say that I feel entirely authorized to assure you, that if you can, at any time, produce a full and unconditional repeal of the French decrees, as you have a right to demand it in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing such an instrument, which I am sorry to see you appear to regard as unnecessary, you cannot expect of us to give up our orders in council.

In reference to the concluding paragraph of your letter in answer to that in mine of the 10th instant, I will only say, that I am extremely sorry to find you think it impossible to devise or conceive any arrangement consistent with the honour, rights and interests of the United States, which might tend to alleviate the pressure of the orders in council upon the commerce of America. It would have given

great satisfaction if we could have fallen upon some agreement that might have had such effect.

My government, while under the imperious necessity of resisting France with her own weapons, most earnestly desires that the interests of America may suffer as little as possible from the incidental effect of the conflict. They are aware that their retaliatory measures have forced the ruler of France to yield in some degree from his hostile decrees; and whether it were more advisable to push those measures vigorously on until they complete the breaking of it up altogether, (the main object of our retaliatory system) or to take advantage of the partial and progressive retractions of it, produced by the necessities of the enemy, has been a question with his majesty's government. It is one on which they would have been most desirous to consult the interests of America. Under existing circumstances, however, and from our late communications, I have not felt encouraged to make you any written proposal, arising out of this state of things; I shall, therefore, merely again express to you, that as the object of Great Britain, has been throughout to endeavour, while forced, in behalf of her most important rights and interests, to retaliate upon the French decrees, to combine that retaliation with the greatest possible degree of attention to the interests of America, it would give his majesty's government the most sincere satisfaction if some arrangement could be found which would have so desirable an effect.

I have the honour to be, &c.

(Signed)

AUGS. J. FOSTER.

Hon. JAMES MONROE, &c. &c.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JUNE 16, 1812.

I TRANSMIT for the information of Congress, copies of a letter to the Secretary of State, from the charge d'affaires

of the United States at London, accompanied by a letter from the latter to the British minister of foreign affairs.

JAMES MADISON.

Mr. Russell to the Secretary of State. London, April 26, 1812.

SIR,

I BEG leave to hand you herewith a declaration and an order in council, of this government, on the 21st of this month, and a copy of a note* from lord Castlereagh accompanying the communication of them to me. I have already transmitted to you other copies of these documents, and have now to add a copy of the note which I have addressed in reply to that of his lordship. I have, &c.

(Signed)

JONA. RUSSELL.

The Hon. JAMES MONROE, &c.

[COPY.]

Mr. Russell to Lord Castlereagh. 18, Bentinck Street, April 25, 1812.

MY LORD,

I HAVE the honour to acknowledge the receipt of the note which your lordship addressed to me on the 21st of this month, enclosing, by the command of his royal highness the prince regent, a copy of a declaration accompanying an order in council which had that day been passed.

It would have afforded me the highest satisfaction, in communicating that declaration and order to my government, to have represented them, as conceived in the true spirit of conciliation and with a due regard to the honour and interests of the United States. I regret, however, that so far from being able to perceive in them any evidence of the amicable sentiments which are professed to animate the councils of his royal highness, I am compelled to consider them as an unequivocal proof of the determination of his Britannic majesty's government to adhere to a system, which, both as to principle and fact, originated,

* A copy of this note has not been received by the department of state.

and has been continued in error ; and against which, the government of the United States, so long as it respects itself and the essential rights of the nation over which it is placed, cannot cease to contend.

The United States have never considered it their duty to inquire, nor do they pretend to decide, whether England or France was guilty, in relation to the other, of the first violation of the publick law of nations ; but they do consider it their most imperious duty to protect themselves from the unjust operation of the unprecedented measures of retaliation professed by both powers, to be founded on such violation. In this operation, by which ever party directed, the United States have never for a moment acquiesced, nor by the slightest indication of such acquiescence, afforded a pretext for extending to them the evils, by which England and France, affect to retaliate on each other. They have in no instance departed from the observance of that strict impartiality which their peaceful position required, and which ought to have secured to them the unmolested enjoyment of their neutrality. To their astonishment, however, they perceived that both these belligerent powers, under the pretence of annoying each other, adopted and put in practice new principles of retaliation, involving the destruction of those commercial and maritime rights which the United States regard as essential and inseparable attributes of their independence. Although alive to all the injury and injustice of this system, the American government resorted to no measures to oppose it, which were not of the most pacifick and impartial character in relation to both the aggressors. Its remonstrances, its restrictions of commercial intercourse, and its overtures for accommodation were equally addressed to England and France : and if there is now an inequality in the relations of the United States with these countries, it can only be ascribed to England herself, who rejected the terms proffered to both while France accepted them, and who continues to execute her retaliatory edicts on the high seas, while those of France have there ceased to operate.

If Great Britain could not be persuaded by considerations

of universal equality, to refrain from adopting any line of conduct, however unjust, for which she might discover a precedent in the conduct of her enemy, or to abandon an attempt of remotely and uncertainly annoying that enemy through the immediate and sure destruction of the vital interests of a neutral and unoffending state, yet it was confidently expected that she would be willing to follow that enemy also in his return towards justice, and, from a respect to her own declarations, to proceed *pari passu* with him in the revocation of the offending edicts. This just expectation has, however, been disappointed, and an exemption of the flag of the United States from the operation of the Berlin and Milan decrees has produced no corresponding modification of the British orders in council. On the contrary, the fact of such exemption on the part of France, appears, by the declaration and order in council of the British government, on the 21st of this month, to be denied, and the engagements of the latter, to proceed, step by step, with its enemy, in the work of repeal and relaxation, to be disowned or disregarded.

That France has repealed her decrees so far as they concerned the United States, has been established by declarations and facts, satisfactory to them, and which it was presumed should have been equally satisfactory to the British government. A formal and authentick declaration of the French government, communicated to the minister plenipotentiary of the United States at Paris, on the fifth of August, 1810, announced that the decrees of Berlin and Milan were revoked and should cease to operate on the 1st of the succeeding November, provided that a condition presented to England, *or* another condition presented to the United States, should be performed. The condition presented to the United States was performed, and this performance rendered absolute the repeal of the decrees. So far therefore from this repeal depending on conditions in which Great Britain could not acquiesce, it became absolute, independently of any act of Great Britain, the moment the act proposed for the performance of the United States was accomplished. Such was the construction given to

this measure by the United States from the first; and that it was a correct one has been sufficiently evinced by the subsequent practice of France.

Several instances of the acquittal of American vessels and cargoes, to which the decrees would have attached, if still in force against the United States, have, from time to time, been presented to his Britannic majesty's government. That these cases have been few, is to be ascribed to the few captures, in consequence of this repeal, made by French cruisers; and should no other such case occur, it will be owing to the efficacy of this repeal, and to the exact observance of it, even by the most wanton and irregular of those cruisers.

From the first of November 1810, to the 29th of January of the present year, as appears by a note which I had the honour to address to the predecessor of your lordship, on the 8th of February last, the Berlin and Milan decrees had not been applied to American property, nor have I heard that such application has since been made.

But against the authentick act of the French government, of the 5th of August, 1810, and the subsequent conduct of that government mutually explaining each other, and confirming the construction adopted by the United States, a report said to be communicated by the French minister of foreign affairs to the conservative senate, is opposed. Without pretending to doubt the genuineness of that report, although it has reached this country only in a newspaper, yet it is to be lamented that as much form and evidence of authenticity have not been required, in an act considered as furnishing cause for the continuance of the orders in council, as an act which, by the very terms of these orders, challenged their revocation. The act of the 5th of August, 1810, emanating from the sovereign of France, officially communicated to the British government, and satisfactorily expounded and explained by the practical comments of more than eighteen months, is denied to afford convincing evidence of the repeal of the French decrees, while full proof of their continuance is inferred from a report, which, from its very nature, must contain

the mere opinions and speculations of a subject which is destitute of all authority until acted upon by the body to which it was presented, which has found its way hither in no more authentick shape than the columns of the *Moniteur*, and for the proper understanding of which not a moment has been allowed.—But even were the cause thus assigned to the report just, it is still difficult to discover what inference can be fairly deduced from it, incompatible with the previous declarations and conduct of the French government, exempting the United States from the operation of its decrees. The very exception in that report with regard to nations who do not suffer their flag to be *denationalized*, was undoubtedly made with reference to the United States, and with a view to reconcile the general tenor of that report with the good faith with which it became France to observe the conventional repeal of those decrees in their favour. However novel may be the terms employed, or whatever may be their precise meaning, they ought to be interpreted to accord with the engagements of the French government, and with justice and good faith.

Your lordship will, I doubt not, the more readily acknowledge the propriety of considering the report in this light, by a reference to similar reports made to the same conservative senate, on the 13th of December, 1810, by the duke of Cadore (the predecessor of the present French minister of exterior relations) and by the count de Simonville. In these reports they say to the emperour, (which sufficiently proves that such reports are not to be considered as dictated by him :) “Sire, as long as England shall persist in her orders in council, so long your majesty will persist in your decrees,” and “the decrees of Berlin and Milan are an answer to the orders in council. The British cabinet, has, thus to speak, dictated them to France. Europe receives them for her code, and this code shall become the palladium of the liberty of the seas.” Surely this language is as strong as that of the report of the 10th of March, and still more absolute; for there is no qualification in it in favour of any nation; yet this language

has, both by an explanation from the duke of Cadore to me at the time, and by the uniform conduct of the French government since, been reconciled with the repeal of these decrees, so far as they concerned the United States.

Had the French decrees originally afforded an adequate foundation for the British orders, and been continued after these reports, in their full force and extent, surely during a period in which above a hundred American vessels and their cargoes have fallen a prey to these orders, some one solitary instance of capture and confiscation must have happened under those decrees. That no such instance has happened incontrovertibly proves either that those decrees are of themselves harmless, or that they have been repealed; and in either case they can afford no rightful plea or pretext to Great Britain, for these measures of pretended retaliation, whose sole effect is to lay waste the neutral commerce of America.

With the remnant of those decrees, which is still in force, and which consists of municipal regulations, confined in their operation within the proper and undeniable jurisdiction of the states where they are executed, the United States have no concern. Nor do they acknowledge themselves to be under any political obligation, either to examine into the ends proposed to be attained by this surviving portion of the continental system, or to oppose their accomplishment. Whatever may be intended to be done in regard to other nations by this system, cannot be imputed to the United States, nor are they to be made responsible, while they religiously observe the obligations of their neutrality for the mode in which belligerent nations may choose to exercise their power, for the injury of each other. When, however, these nations exceed the just limits of their power by the invasion of the rights of peaceful states on the ocean which is subject to the common and equal jurisdiction of all nations, the United States cannot remain indifferent, and by quietly consenting to yield up their share of this jurisdiction, abandon their maritime rights.—France has respected these rights by the discontinuance of her edicts on the high seas;

leaving no part of these edicts in operation to the injury of the United States; and of course, no part in which they can be supposed to acquiesce, or against which they can be required to contend. They ask Great Britain, by a like respect for their rights, to exempt them from the operation of her orders in council. Should such exemption involve the total practical extinction of these orders, it will only prove that they were exclusively applied to the commerce of the United States, and that they had not a single feature of resemblance to the decrees, against which they are professed to retaliate.

It is with patience and confidence that the United States have expected this exemption, and to which they believed themselves to be entitled by all those considerations of right and promise, which I have freely stated to your lordship. With what disappointment, therefore, must they learn that Great Britain, in professing to do away their dissatisfaction, explicitly avows her intention to persevere in her orders in council, until some authentick act hereafter to be promulgated by the French government, shall declare the Berlin and Milan decrees to be expressly and unconditionally repealed. To obtain such an act can the United States interfere? Would such an interference be compatible either with a sense of justice or with what is due to their own dignity? Can they be expected to falsify their repeated declarations of their satisfaction with the act of the 5th August, 1810, confirmed by abundant evidence of its subsequent observance, and by now affecting to doubt of the sufficiency of that act, to demand another which in its form, its mode of publication, and its import, shall accord with the requisitions of Great Britain? And can it be supposed that the French government would listen to such a proposal made under such circumstances, and with such a view?

While, therefore, I can perceive no reason, in the report of the French minister, of the 10th of March, to believe that the United States erroneously assumed the repeal of the French decrees to be complete in relation to them; while aware that the condition on which the revocation of

the orders in council is now distinctly made to depend, is the total repeal of both the Berlin and Milan decrees, instead as formerly of the Berlin decree only; and while I feel that to ask the performance of this condition from others, is inconsistent with the honour of the United States, and to perform it themselves beyond their power; your lordship will permit me frankly to avow, that I cannot accompany the communication of my government, of the declaration and order in council of the 21st of this month, with any felicitation on the prospect which this measure presents of an accelerated return of amity and mutual confidence between the two states.

It is with real pain that I make to your lordship this avowal, and I will seek still to confide in the spirit which your lordship in your note, and in the conversation of this morning, has been pleased to say actuates the councils of his royal highness in relation to America, and still to cherish a hope that the spirit will lead, upon a review of the whole ground, to measures of a nature better calculated to attain its object, and that this object will no longer be made to depend on the conduct of a third power, or upon contingencies over which the United States have no control, but alone upon the rights of the United States, the justice of Great Britain, and the common interests of both.

I have the honour to be, &c.

(Signed) JONA. RUSSELL.

The Rt. Hon. Viscount CASTLEREAGH.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,
A PROCLAMATION.

WHEREAS the Congress of the United States, by virtue of the constituted authority vested in them, have declared by their act bearing date the eighteenth day of the present month, that war exists between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America and their territories;

now therefore I, James Madison, President of the United States of America, do hereby proclaim the same to all whom it may concern: and I do specially enjoin on all persons holding offices, civil or military, under the authority of the United States, that they be vigilant and zealous, in discharging the duties respectively incident thereto: And I do moreover exhort all the good people of the United States, as they love their country; as they value the precious heritage derived from the virtue and valour of their fathers; as they feel the wrongs which have forced on them the last resort of injured nations; and as they consult the best means, under the blessing of Divine Providence, of abridging its calamities, that they exert themselves in preserving order, in promoting concord, in maintaining the authority and the efficacy of the laws, and in supporting and invigorating all the measures which may be adopted by the constituted authorities, for obtaining a speedy, a just, and an honourable peace.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed to these presents.

[SEAL.]

Done at the city of Washington, the nineteenth day of June, one thousand eight hundred and twelve, and of the Independence of the United States the thirty-sixth.

(Signed)

JAMES MADISON.

By the President.

(Signed)

JAMES MONROE, *Sec. State.*

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JUNE 22, 1812.

I COMMUNICATE to Congress copies of a letter to the Secretary of State, from the charge d'affaires of the United States at London, and of a note to him from the British secretary for foreign affairs. JAMES MADISON.

*Mr. Russell to the Secretary of State. London, May 2,
1812.*

SIR,

AFTER closing the duplicate of my letter to you, of the 26th ult. I discovered the copy of the note of lord Castlereagh to me of the 21st, had been left out by mistake. I take the liberty of now handing it to you. I am, &c.

JONA. RUSSELL.

Hon. JAMES MONROE, &c.

[ENCLOSED IN THE ABOVE.]

THE undersigned, his majesty's principal secretary of state for foreign affairs, is commanded by his royal highness the prince regent, to transmit to Mr. Russell, charge d'affaires of the government of the United States of America, the enclosed copy of a declaration accompanying an order in council which has been this day passed by his royal highness the prince regent in council.

The undersigned is commanded by the prince regent to request that Mr. Russell, in making this communication to his government, will represent this measure as conceived in the true spirit of conciliation, and with a due regard, on the part of his royal highness, to the honour and interests of the United States; and the undersigned ventures to express his confident hope, that this decisive proof of the amicable sentiments which animate the councils of his royal highness towards America, may accelerate the return of amity and mutual confidence between Great Britain and the United States.

The undersigned avails himself of this opportunity to repeat to Mr. Russell the assurances of his high consideration.

CASTLEREAGH.

Foreign Office, April 21, 1812.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
SENATE. JULY 6, 1812.

I TRANSMIT to the Senate, copies and extracts of documents in the archives of the department of state, falling within the purview of their resolution of the 4th inst. on the subject of British impressments from American vessels. The information, though voluminous, might have been enlarged, with more time for research and preparation. In some instances it might, at the same time, have been abridged, but for the difficulty of separating the matter extraneous to the immediate object of the resolution.

JAMES MADISON.

No. 1.

Extract of a Letter from Thomas Jefferson, Esquire, Secretary of State, to Thomas Pinckney, minister plenipotentiary of the United States at London, dated "Department of State, July 11, 1792.

“THE peculiar custom in England, of impressing seamen on every appearance of war, will occasionally expose our seamen to peculiar oppressions and vexations. It will be expedient that you take proper opportunities, in the mean time, of conferring with the minister on this subject, in order to form some arrangement for the protection of our seamen on those occasions. We entirely reject the mode which was the subject of a conversation between Mr. Morris and him, which was, that our seamen should always carry about them certificates of their citizenship: This is a condition never yet submitted to by any nation; one with which seamen would never have the precaution to comply: the casualties of their calling would expose them to the constant destruction or loss of this paper evidence, and thus the British government would be armed with *legal authority* to impress the whole of our seamen. The

simplest rule will be, that the vessel being American, shall be evidence that the seamen on board her are such. If they apprehend that our vessels might thus become asylums for the fugitives of their own nation from impress gangs, the number of men to be protected by a vessel may be limited by her tonnage, and one or two officers only be permitted to enter the vessel in order to examine the number on board; but no press gang should be allowed ever to go on board an American vessel, till after it shall be found that there are more than their stipulated number on board, nor till after the master shall have refused to deliver the supernumeraries (to be named by himself) to the press officer who has come on board for that purpose; and even then the American consul shall be called in. In order to urge a settlement of this point before a new occasion may arise, it may not be amiss to draw their attention to the peculiar irritation excited on the last occasion, and the difficulty of avoiding our making immediate reprisals on their seamen here. You will be so good as to communicate to me what shall pass on this subject, and it may be made an article of convention to be entered into either there or here."

Extract of a Letter from Thomas Jefferson, Esq. when Secretary of State, to Thomas Pinckney, minister plenipotentiary of the United States at London, dated " Oct. 12, 1792.

" I ENCLOSE you a copy of a letter from Messrs. Blow and Melhaddo, merchants of Virginia, complaining of the taking away of their sailors, on the coast of Africa, by the commander of a British armed vessel. So many instances of this kind have happened, that it is quite necessary that their government should explain themselves on the subject, and be led to disavow and punish such conduct. I leave to your discretion to endeavour to obtain this satisfaction by such friendly discussions as may be most likely to produce the desired effect, and secure to our commerce that protection against British violence which it has never ex-

perienced from any other nation. No law forbids the seamen of any country to engage, in time of peace, on board a foreign vessel ; no law authorizes such seaman to break his contract, nor the armed vessels of his nation to interpose force for his rescue."

Extract of a Letter from Thomas Jefferson, Esquire, Secretary of State under the presidency of general Washington, to Thomas Pinckney, Esquire, American minister in London, dated "Philadelphia, Nov. 6, 1792.

"I WROTE you last on the 12th of October, since which I have received yours of August 29, with the papers and pamphlets accompanying it. I enclose you now the copy of a letter from Mr. Pintard, our consul at Madeira, exhibiting another attempt at the practice on which I wrote you in my last, made by captain Hargood, of the British frigate Hyæna, to take seamen from on board an American vessel bound to the East Indies. It is unnecessary to develop to you the inconveniences of this conduct, and the impossibility of letting it go on. I hope you will be able to make the British ministry sensible of the necessity of punishing the past and preventing the future."

Extract from the instructions given by Timothy Pickering, Esquire, Secretary of State, to Rufus King, Esq. dated "Department of State, June 8, 1796.

"AMONG the articles left unadjusted, one of the most interesting nature regards the impressing of American seamen. Mr. Pinckney was instructed on this head, in June, 1792. You will there see that the mode prescribed by the late act of Congress, of *certificating* our seamen, was pointedly reprobated. The long but fruitless attempts which have been made to protect them from British impresses, prove that the subject is in its nature difficult.

"The simplest rule, as remarked to Mr. Pinckney, would be, that the vessel being American, should be evidence that the seamen on board her are such. But it will be an important point gained, if, on the *high seas*, our

flag can protect those, of whatever nation, who shall sail under it. And for this, humanity as well as interest powerfully plead. Merchant vessels carry no more hands than their safety renders necessary. To withdraw any of them on the ocean, is to expose both lives and property to destruction. We have a right then to expect that the British government will make no difficulty in acceding to this very interesting provision. And the same motives should operate, with nearly equal force, to procure for us the like exemption in all the British colonies, but especially in the West Indies. In the latter, the consequence of an impress is the detention of the vessel: by the detention, the vessel is injured or destroyed by the worms, and the remnant of the crew exposed to the fatal diseases of the climate. Hence a longer detention ensues; the voyage becomes unprofitable, if not ruinous to the merchant, and humanity deplores the loss of many valuable lives. But there is another cogent reason for the absolute exemption from impresses in the British colonies. That the practice will be, as it always has been, attended with monstrous abuses: and the supreme power is so remote, the evils become irremediable before redress can even be sought for. To guard against abuses on the part of American citizens, every master of a vessel, on his arrival in any port of the British colonies, may be required to report his crew at the proper office. If afterwards any addition be made to them by *British subjects*, these may be taken away. In the ports of Great Britain and Ireland, the impress of *British subjects* found on board our vessels must doubtless be admitted. But this should be controlled by regulations to prevent insults and injuries, and to administer prompt relief where American citizens (which will assuredly happen) shall be mistaken for British subjects.

“There are three classes of men, concerning whom there can be no difficulty. 1. Native American citizens. 2. American citizens, wherever born, who were such at the definitive treaty of peace. 3. Foreigners, other than British subjects, sailing in American vessels, and whose persons ought to be sacred, as it respects the British, as those

of native citizens. The fourth class consists of British born subjects, but who, or many of whom, may have become citizens subsequent to the treaty of peace, or who hereafter may be admitted to the rights of citizens. It is this class alone about which any pretence of right to impress can be made. With regard to these, it may be attempted to protect them, as well in time of war as of peace, in the following cases: First, when they shall have served in American vessels, publick or private, for the same term in which foreigners serving in British vessels would acquire the rights of British subjects, which is understood to be three years; or, secondly, if so much cannot be obtained, when those persons, originally British subjects, shall have resided five years in the United States, and been formally admitted to the rights of citizens according to our laws.

“It must often happen that sailors will loose their certificates: provision should therefore be made for the admission of other reasonable proof of their citizenship, such as their own oaths with those of the masters, mates, or other creditable witnesses. The rolls of the crews, or shipping papers, may also be authenticated by the collectors of the customs; and then they ought to be admitted as of equal validity with the individual certificates.”

*Mr. Pickering to Mr. King, dated Department of State,
September 10, 1796.*

I ENCLOSE a letter from Francis S. Taylor, deputy collector of Norfolk, relative to four impressed seamen. It appears to be written with candour, and merits attention. If, as the captain of the *Prevoyante* (Wemyss) says, the *dignity* of the British government will not permit an inquiry on board their ships for American seamen, their doom is fixed for the war: and thus the rights of an independent neutral nation are to be sacrificed to *British dignity*! Justice requires that such inquiries and examinations should be made, because the liberation of our seamen will otherwise be impossible. For the British government, then, to make professions of respect to the rights of our

citizens, and willingness to release them, and yet deny the only means of ascertaining those rights, is an insulting tantalism. If such orders have been given to the British commanders, (and Mr. Liston's communication, in the conversation of which I sent you a copy in my letter of the 31st ult. countenances the idea,) the agency of colonel Talbot and Mr. Trumbull will be fruitless, and the sooner we know it the better. But I would fain hope other things; and if the British government have any regard to our rights, any respect for our nation, and place any value on our friendship, they will even facilitate to us the means of relieving our oppressed citizens. The subject of our impressed seamen makes a part of your instructions; but the President now renews his desire that their relief may engage your special attention.

I am, sir, &c.

(Signed)

TIMOTHY PICKERING.

RUFUS KING, Esq. &c. &c.

*Extract of a Letter from Mr. Pickering to Mr. King, dated
"Department of State, October 26, 1796.*

"I THINK it is mentioned in your instructions that the British naval officers often impress Swedes, Danes, and other foreigners, from the vessels of the United States: They have even sometimes impressed Frenchmen. If there should be time to make out a copy of a protest lately received, it shall be enclosed, describing the impress of a Dane and a Portuguese. This surely is an abuse easy to correct. They cannot pretend an inability to distinguish these foreigners from their own subjects: and they may with as much reason rob American vessels of the property or merchandise of Swedes, Danes and Portuguese, as seize and detain in their service the subjects of those nations found on board American vessels. The President is extremely anxious to have this business of impresses placed on a reasonable footing."

Extract of a Letter from Mr. Pickering, Secretary of State, to Silas Talbot, Esq. "Department of State, August 15, 1797.

"I WAS pleased with your success in obtaining relief for so many American seamen, as mentioned in your several letters: but your last, containing the orders of admiral Parker to his captains no longer to obey the writs of habeas corpus, gave me much uneasiness. Yesterday I gave those letters to the British minister, Mr. Liston; and wish he may do something to afford you a prospect of further success: but I fear, notwithstanding he is perfectly well disposed to administer relief, that his remonstrances or requests will have too little effect. I shall transmit copies of these letters to Mr. King, our minister in London, to lay before the British ministry. If any naval officers shall have committed such an outrage on any American seamen as to bring them to the gangway, as you mention, or to inflict any kind of punishment on them, especially for seeking opportunities to inform you of their situation, for the purpose of obtaining the just relief to which they are entitled, pray endeavour to get proper proofs of the fact, that I may make it the subject of a special representation to the British government."

Extract of a Letter to Rufus King, Esq. from the Secretary of State, dated "Trenton, October 3, 1797.

"LORD Grenville's observations on the act of Congress for the relief and protection of American seamen, present difficulties which demand consideration at the ensuing session. But your reasoning, in your letter to his lordship of the 30th of last November, is conclusive against the British pretences to retain real American seamen who are married in their dominions, or who have voluntarily entered on board British vessels. It behoves the honour and faith of the British government to adhere to their principle on natural allegiance wholly, or to renounce it wholly: and an answer on this point would have become his lordship's candour.

“ I consider colonel Talbot’s agency in the West Indies to be no longer very important. The rigid conduct of admiral sir Hyde Parker, (who from the beginning has thrown obstacles in the way) leaves but little room to get our seamen released. The opposition of the officers in general, induced colonel Talbot to take out writs of habeas corpus at Jamaica, by which, directly, or in their consequences, he obtained the discharge of near fifty seamen ; but admiral Parker has some time past forbidden his officers to pay any obedience to such writs ; and colonel Talbot informs me that some of our seamen have been punished for attempting to send letters to him to inform of their situation. Mr. Liston has assured me that the British officers have orders not to impress any American seamen, and of course not to retain against their will any already impressed : but if they persist in obstructing every channel of information and proof of their citizenship, such orders are and will continue deceptive.”

The Secretary of State to the President of the United States. Department of State, Feb. 20, 1800.

THE Secretary has the honour to lay before the President—

1. Mr. Liston’s note of February 2d, 1800, with papers referred to relative to the rescue of three American vessels from the hands of the British captors, and for the restoration of which he is instructed by his government to apply.

2. Mr. Liston’s note of the 4th February, together with his project of a treaty for the reciprocal delivery of deserters ; which appears to the secretary utterly inadmissible, unless it would put an end to impressments, which Mr. Liston seemed to imagine, while the 7th paragraph of his project expressly recognises the right of impressing British subjects, and consequently American citizens, as at present.

(Signed)

TIMOTHY PICKERING.

R. LISTON presents his respects to colonel Pickering, Secretary of State.

I have, from time to time, taken the liberty of making verbal complaints to you, sir, respecting the practice lately become frequent among the masters and supercargoes of American merchantmen, of rescuing by force or by fraud such vessels as have been detained by the commands of his majesty's ships of war with a view to future trial in a court of admiralty.

I, in particular, mentioned the cases stated at large in the enclosed papers.

The first is that of the brigantine Experience, detained on the 25th May, by captain Poyntz, of his majesty's ship Solebay. She came from Campeachy, was said to be bound for Charleston, (S. C.) and was loaded with logwood. The cargo was suspected to be enemies' property; and she was afterwards found to have a complete set of Spanish papers.

The American master, Hewitt, and Howe, the supercargo, with the consent of the British seamen who were put on board to navigate her, overpowered the prize master, (Mr. Bryce) kept him prisoner several days, and at last, by threats and violence, forced him to leave the vessel and to go on board of a schooner bound for New Providence.

The second is the case of the ship Lucy, commanded by a Mr. James Conolly, a native of Ireland, calling himself a citizen of the United States, which was stopt on the 3d of June, by captain Ferrier, of his majesty's ship York. This vessel had smuggled one hundred and eighty-seven new negroes from Jamaica. The captain found means to forge a clearance from the custom house of Kingston, and afterwards loaded goods at the Havana, partly the property of enemies, and partly belonging to a Mr. Courtauld, a British subject, who recently held a place in the customs under his majesty's government.

A lieutenant, a quarter-master and ten men, were put on board the Lucy to conduct her to Jamaica; and with a view to accommodate the master and the other persons who were found in the vessel, Mr. Conolly, Mr. Courtauld,

his nephew, two other passengers, with servants and seamen, amounting to twelve in all, were permitted by captain Ferrier to remain on board on their parole. They however secretly armed themselves, and in the night surprised the watch, confined the prize master and the British seamen, and carried the ship to Charleston.

The third case is that of the *Fair Columbian*, Edward Casey, master, detained by his majesty's ship the *Hind*, in company with the sloop of war the *Swan*. She had come from the Havana; had no sea brief or register on board; was commanded by a person who had deserted about nine months before from his majesty's ship *Polyphemus*; and according to the concurrent testimony of eight or nine masters of American vessels which had sailed in company with her from the Havana, was loaded with Spanish property.

These circumstances affording a sufficient cause of suspicion, she was ordered for Bermuda; but the master, by the use of bribery and intoxication, succeeded in inducing the prize master and crew to permit her to be carried into the port of Baltimore.

It is unnecessary to employ arguments to prove that these irregularities are an infringement of the law of nations. The tenour of the instructions given by the President to the vessels of war of the United States, involves an acknowledgment of the right of the king's ships to search and detain such American vessels as are suspected of being loaded with enemies' property, or with contraband of war destined for an enemy's port. It remains that I should add, that I have now received express orders from his majesty to claim as an act of justice (which is expected from the candour of the federal government, and the good understanding which subsists between the two countries) that the vessels, of which the masters and supercargoes have thus illegally repossessed themselves, be delivered up to me, together with the British seamen and the deserters who have assisted in rescuing them out of the hands of the prize masters, that they may be sent to some one of his majesty's colonies, to be there dealt with according to law.

Philadelphia, Feb. 2, 1800.

R. LISTON presents his respects to colonel Pickering, Secretary of State.

I have the honour, sir, of enclosing a duplicate of my letter of the 18th December, to vice admiral sir Hyde Parker, soliciting the discharge of certain American seamen said to be detained on board of his squadron on the Jamaica station; and I flatter myself it will have the desired effect, although it be not accompanied by copies of the documents attesting their citizenship. I cannot, however, omit this opportunity of calling to your remembrance what I have frequently stated in conversation, that while the papers called *protections* are granted with a fraudulent intention, or without a proper examination of facts, by inferiour magistrates or notaries publick in the United States, and while they can easily be procured by such natural born subjects of his majesty as choose to abandon his service in the hour of danger, it is not to be expected that any regard will be paid to them by the commanders of British ships of war. And I beg leave once more to urge you to take into consideration—as the only means of drying up every source of complaint and irritation upon this head—the proposal I had the honour of making two years ago (in the name of his majesty's government) for the reciprocal restitution of deserters.

Philadelphia, Feb. 4, 1800.

1. WHEREAS, by the 28th article of the treaty of amity, commerce, and navigation, concluded at London on the 19th day of November, 1794, between his Britannic majesty and the United States, it was agreed, in order to facilitate intercourse, and obviate difficulties, that other articles should be proposed and added to the treaty above mentioned, which articles, from want of time and other circumstances, could not then be perfected, and that the said parties should from time to time regularly treat of and concerning such articles, and should sincerely endeavour so to form them as that they might conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been

duly ratified, should be added to and make a part of the above mentioned treaty :

2. And whereas, it will greatly conduce to the maintenance and improvement of that friendship and harmony now subsisting between the contracting parties, that measures should be taken by mutual consent for the giving up of deserters on each side :

3. Therefore, the parties have with this view appointed their respective ministers to meet, negotiate, and conclude on this subject ; that is to say, his Britannic majesty, Robert Liston, Esq. his majesty's envoy extraordinary and minister plenipotentiary to the United States of America ; and the United States, — — — :

4. Who, having communicated to each other their respective full powers, have agreed on the following article to be added to the above mentioned treaty and to form a part thereof :

ADDITIONAL ARTICLE.

5. It is agreed that no refuge or protection shall be afforded, in the territories or vessels of either of the contracting parties, to the captains, officers, mariners, sailors, or other persons, being part of the crews of the vessels of the respective nations, who shall have deserted from the said vessels ; but that on the contrary, all such deserters shall be delivered up, on demand, to the commanders of the vessels from which they have deserted, or to the commanding officers of the ships of war of the respective nations, or such other persons as may be duly authorized to make requisition in that behalf, provided that proof be made by an exhibition of the register of the vessel or ship's roll, or authenticated copies of the same, or by other satisfactory evidence, that the deserters so demanded were actually part of the crew of the vessels in question.

6. With a view to the more effectual execution of this article, the consuls and vice-consuls of his Britannic majesty and of the United States may cause to be arrested all persons who have deserted from the vessels of the respective nations as aforesaid, in order to send them back to the

commanders of the said vessels, or to remove them out of the country. For which purpose the said consuls and vice-consuls shall apply to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving as aforesaid that they were part of the said crews, and on this demand so proved the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back or removing them as aforesaid. But if they be not so sent back or removed within three months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

7. It is however understood that this stipulation is not to extend to authorize either of the parties to demand the delivery of any sailors, subjects, or citizens, belonging to the other party, who have been employed on board the vessels of either of the respective nations, and who have in time of war or threatened hostility voluntarily entered into the service of their own sovereign or nation, or have been compelled to enter therein, according to the laws and practice prevailing in the two countries respectively.

8. It is further agreed, that no refuge or protection shall be afforded by either of the contracting parties to any soldiers who may desert from the military service of the other, but that, on the contrary, the most effectual measures shall be taken, in like manner as with respect to sailors, to apprehend any such soldiers, and to deliver them to the commanding officers of the military posts, forts or garrisons, from which they have deserted, or to the consuls or vice-consuls on either side, or to such other person as may be duly authorized to demand their restitution.

9. It is however understood that no stipulation in this additional article shall be construed to empower the civil or military officers of either of the contracting parties forcibly to enter into the publick ships of war, or into the

forts, garrisons, or posts of the other party, or to use violence to the persons of the land or sea officers of the respective nations with a view to compel the delivery of such persons as may have deserted from the naval or military service of either party as aforesaid.

The Secretary of State to Mr. Liston. Department of State, Philadelphia, May 3, 1800.

SIR,

IN reference to your letter of the 2d February last, I soon after took occasion to intimate to you what appeared to be the President's way of thinking on the subject. I have now the honour to state to you, that while, by the law of nations, the right of a belligerent power to capture and detain the merchant vessels of neutrals, on just suspicion of having on board enemy's property, or of carrying to such enemy any of the articles which are contraband of war, is unquestionable, no precedent is recollected, nor does any reason occur which should require the neutral to exert its power in aid of the right of the belligerent nation in such captures and detentions. It is conceived that after warning its citizens or subjects of the legal consequences of carrying enemy's property or contraband goods, nothing can be demanded of the sovereign of the neutral nation, but to remain passive. If, however, in the present case, the British captors of the brigantine *Experience*, Hewit, master, the ship *Lucy*, James Conolly, master, and the brigantine *Fair Columbia*, Edward Casey, master, have any right to the possession of those American vessels, or their cargoes, in consequence of their capture and detention, but which you state to have been rescued by their masters from the captors, and carried into ports of the United States, the question is of a nature cognizable before the tribunals of justice, which are opened to hear the captors' complaints, and the proper officer will execute their decrees.

You suggest that these rescues are an infringement of the law of nations. Permit me to assure you that any arguments which you shall offer to that point will receive a just attention.

With regard to the British seamen and deserters who have assisted in the rescues, with great truth I am authorized to assure you, that the government have no desire to retain them: but besides that the many months elapsed since those events, and the consequent dispersion of the men, would probably render their delivery impracticable, it is not known to be authorized by any law. This has brought into view your project of stipulations for the mutual delivery of deserters, whether seamen or soldiers: and I have now the honour to enclose a counter project, by which you will see the objections which have occurred to your propositions. The President has been pleased to direct and empower me to negotiate with you on this subject, and it will afford him great pleasure if we can make a satisfactory arrangement.

I have the honour to be, &c. &c.

TIMOTHY PICKERING.

ROBERT LISTON, Esq.

1. IT is agreed that no refuge or protection shall be afforded in the territories or vessels of either of the contracting parties, to the officers, mariners, or other persons, being part of the crews of the vessels of the respective nations, who shall desert from the same; but that on the contrary, all such deserters shall be delivered up on demand, to the commanders of the vessels from which they shall have deserted, or to the commanding officers of the ships of war of the respective nations, or such other persons as may be duly authorized to make requisition in that behalf: *Provided*, That proof be made by exhibition of the shipping paper or contract, or authenticated copies thereof, or by other satisfactory evidence, that the deserters so demanded were actually part of the crews of the vessels in question.

2. With a view to the more effectual execution of this article, the commanders of the vessels from which such desertions shall take place, and the consuls and vice-consuls of his Britannic majesty and of the United States, respectively, may cause to be arrested all persons who shall

desert from the vessels of the respective nations as aforesaid. And for this purpose, the said commanders, consuls, and vice-consuls, shall apply to the courts, judges, and officers competent, and shall demand the said deserters in writing, and adduce proof of their desertion as aforesaid; and on this demand and satisfactory proof, the delivery shall be made. And there shall be given all necessary aid to the said commanders, consuls and vice-consuls, for the search, seizure, and arrest of the said deserters, who, if it be requested, shall be detained and kept in prison, at the expense of those who demand them as aforesaid, until they can be put on board their own or other vessels of their nation, or be otherwise sent back to their own country: *Provided*, That if this be not done within three months from the day of their arrest, such deserters shall be set at liberty, and not be again arrested for the same cause.

3. It is further agreed, that no refuge or protection shall be afforded by either of the contracting parties to any non-commissioned officer or soldier who may desert from the military service of the other; but that on the contrary, the most effectual measures shall be taken, in like manner as with respect to sailors, to apprehend any such non-commissioned officers and soldiers, and to deliver them to the commanding officers of the military posts, forts or garrisons, from which they have deserted, or to the consuls or vice-consuls on either side, or to such other person as may be duly authorized to demand their restitution.

4. It is however understood that nothing in these stipulations shall be construed to empower the civil, military, or naval officers of either of the contracting parties forcibly to enter into the territory, forts, posts, or vessels of the other party, or to use violence to the persons of the commanders or other officers of the forts, posts, or vessels of the other party, with a view to compel the delivery of such persons as shall desert as aforesaid.

The Secretary of the Treasury to the President.

THE secretary of the treasury respectfully submits the following observations, in obedience to the direction of the President of the United States.

The project of a treaty proposed by the ministry of his Britannic majesty for the reciprocal delivery of deserters from the land and naval service, does not sufficiently provide against the impressment of American seamen, and is therefore deemed inadmissible. The ideas of the secretary of the treasury on this subject are stated in the counter project hereto subjoined, and will be found to be essentially the same as those of the secretary of state.

The secretary of the treasury fully concurs in opinion with the secretary of state, respecting the reply proper to be given to the notes of Mr. Liston, dated 2d and 4th Feb. last, demanding the restitution of several American vessels captured by British cruisers and rescued by the crews of said vessels. All which is respectfully submitted, by

(Signed)

OLIVER WOLCOTT,

Secretary of the Treasury.

Treasury Department, April 14, 1800.

Additional articles proposed to be added to the treaty of amity, commerce and navigation, concluded at London, on the 19th day of November, 1794, and to form a part of said treaty.

1. IT is agreed that no refuge or protection shall be afforded to the officers, mariners, or other persons, being part of the crews of the vessels of the respective nations, who shall hereafter desert from the same; but that on the contrary, all such deserters shall be delivered up on demand, to the commanders of the vessels from which they shall have deserted, or to the commanding officers of the ships of war of the respective nations, or such other persons as may be duly authorized to make requisition in that behalf: *Provided*, that proof be made *within two years after the time of desertion*, by an exhibition of the

shipping paper, or contract, or authenticated copies thereof, or by other satisfactory evidence, that the deserters so demanded were actually part of the crews of the vessels in question.

2. With a view to the more effectual execution of the foregoing article, the commanders of the vessels from which such desertions shall take place, and the consuls and vice-consuls of his Britannic majesty and the United States, respectively, may cause to be arrested all persons who shall desert from the vessels of the respective nations as aforesaid; and for this purpose the said commanders, consuls, and vice-consuls, shall apply to the courts, judges, and officers competent, and shall demand the said deserters in writing, and adduce proofs of their desertion as aforesaid; and on such demand and satisfactory proof as aforesaid, the delivery shall be made. And there shall be given all aid and assistance to the said consuls and vice-consuls for the search, seizure and arrest of the said deserters, who, if it be requested, shall be kept and detained in the prisons of the country, at the expense of those who demand them as aforesaid, until they can be put on board their own or other vessels of their nation, or be otherwise sent back to their own country: *Provided*, That if this be not done within three months from the day of their arrest, such deserters shall be set at liberty, and not be again arrested for the same cause.

3. It is further agreed that no refuge or protection shall be afforded by either of the contracting parties, to any person who shall hereafter desert from the military land service of the other; but that, on the contrary, the most effectual measures shall be taken, in like manner and on like conditions as with respect to sailors, to apprehend any such deserters from the land service, and to deliver them to the commanding officers of the military posts, forts or garrisons, from which they shall have deserted, or to the consuls or vice-consuls on either side, or to such other persons as may be duly authorized to demand their restitution.

4. It is however understood that nothing in the forego-

ing stipulations shall be construed to empower the civil or any other officers, of either party, forcibly to enter the forts, posts, or any other place within or under the jurisdiction of the other party; nor to empower the naval commanders or other officers, of either party, forcibly to enter any publick or private vessel of the other party, on the high seas, with a view to compel the delivery of any person whatever: on the contrary, it is expressly declared to be the understanding of the contracting parties, that the mutual restitutions of persons claimed as deserters shall only be made by the free and voluntary consent of the military officers employed in the land service, or the commanders of the publick or private ships or vessels of the two parties, or in pursuance of the decisions of the courts, judges, or other competent civil officers of the two nations, in all cases arising within their respective jurisdictions.

(Signed)

OLIVER WOLCOTT.

April 14, 1800.

THE secretary of war respectfully submits the following observations, in obedience to the direction of the President of the United States.

The secretary very much doubts the soundness of the principle upon which a refusal to deliver up merchant vessels captured by a belligerent power, is founded. It appears to the secretary, considering the question upon general ground, that merchant vessels belonging to a neutral nation, seized by a belligerent power on the high sea, for violating the laws of neutrality, cannot, agreeably to the law of nations, be rightfully retaken by a vessel of the neutral power, nor, if retaken and brought into a port of the neutral nation, rightfully withheld by that nation from the captors. It results from this principle, that a vessel or its cargo being prize or no prize cannot be rightfully determined in other tribunals than those of the nation exercising the right of capture, the right to try in the appropriate courts of the country of the captors following the right to capture.

It may be asked, is the right which a belligerent power

acquires to the property of its enemy seized in a neutral vessel full and perfect? To this it may be answered, that the right thus acquired is full and perfect as relative to exempting it from capture by any neutral vessel. For, if the merchant vessel which contains the property, may, after its being seized or possessed by the belligerent power, use *force* to recover it, so may every other merchant vessel belonging to the neutral nation. Further, if the crews of the neutral vessels may recapture, it would seem that our vessels of war could also recapture, the contrary whereof is to be collected from the statute which authorizes recaptures of our vessels taken by the French. But the state of neutrality does not permit a neutral power to espouse, in any manner whatever, either side, or to prefer one to the other belligerent party. It is the indispensable duty of neutrals "*Bello se non interponant.*" To recapture the property of either from the other, is a clear meddling in the war, and direct violation of every principle of neutrality.

If the property in a neutral vessel was *enemy's property* or contraband of war, the belligerent vessel, having once *made prize of it*, has a clear right to it, of which the crew of the neutral vessel cannot divest her by recapture. To the secretary it appears a sound position, that neutral nations ought to regard the parties at war as *lawful proprietors* of all that they take from each other; consequently, it cannot be right for the citizens of a neutral nation to interfere to rescue from one of the belligerent powers property which he had taken belonging to the other. A neutral vessel loads with enemy goods at a known risk, that of their being subject to capture, and under the obligation only to use all due endeavours to avoid an enemy or capture; here the obligation of the neutral ends, for she is not permitted, if taken, to recover the goods by recapture, the nation only to whose citizens or subjects they belonged (or the parties at war with the captors) possessing that right.

By the law of nations, a neutral vessel met at sea is liable to be seized by a vessel of war, as the case may

be, of either of the belligerent powers. This law gives the additional right, if the belligerent vessel is not satisfied with his search, *to carry the neutral vessel into the country of the captors*, there to be examined, tried and condemned (if she has violated the neutrality) in its courts, established for the inquiry into the subject, and to compel by force the neutral to submit to search, and also to be carried into the country of the captors.

If such ships shall be attacked in order to an examination, and shall refuse, they may be assaulted like a house supposed to have thieves or pirates in it, refuses to yield up their persons, may be broken up by the officer, and the persons resisters may be slain.—Malloy de Jure Mar. et Nav. L. I. C. 3, S. xiii.

It also appears to the secretary, that if a neutral vessel found at sea refuses, and *resists by force* to be searched, she, for such conduct, is liable to be condemned as lawful prize. If the law of nations gives a *right to search*, it cannot allow a *right to resist a search by force*. The two rights cannot exist. They are perfectly inconsistent. If the *first* is lawful the *latter* must be unlawful, consequently liable to some punishment, or the right would be nugatory. If the law of nations gives also a right to carry the neutral vessel into the country of the captors' courts, this right also cannot be resisted or opposed by force without violating the law. It would seem to the secretary, that the persons who resist the search by force, or resist or prevent by force the neutral vessel being carried into the captors' country for trial, must by such conduct be guilty of a breach of the law of nations, and if so they must be liable to some punishment, and if the nation to which they belong does not punish them, on application to that effect, it thereby becomes a party to the wrong. The secretary cannot think that either the right of search, or of carrying the neutral into the country of the captors, is founded on *superiority of force*, but on the law of nations. This opinion the secretary rests upon Vattel, L. 3, C. 7, S. 114; Marten's law of nations, N. 323; Lee on captures; the report on the Silesia Loan, &c.

The secretary, however, cannot venture to disapprove of the answer proposed to be given by the secretary of state. He does not know of any precedent of a neutral nation exerting its power in any similar case of recapture in aid of the right of the belligerent power, but, unquestionably there is reason so to do, if the idea he has presented of the law of nations is accurate. He thinks it probable also, without pretending to be positive, that instances of recapture like the present are few.

In some future time America may stand in relation to other powers as Great Britain stands at this time, and may wish to make the same claim that she does now. The secretary *greatly* doubts, but with great deference, whether the cases in question, of recaptures, are cognizable before our courts of justice; the subject seems rather to belong to the executive. Peculiar caution may be proper, for fear at some future period our proceeding may be urged against us to our detriment. If it appears necessary to reconsider the subject, the secretary would beg leave to suggest the propriety of adding, that as there is no provision by treaty or apposite law of the United States on the subject, it might be advisable to make some stipulation by treaty.

The secretary is inclined to believe, that, if any, there is not sufficient remedy for the delivery of deserters from British vessels. He has understood that some of our courts had determined, that the law of Congress concerning seamen relates to American seamen only. The claim for British seamen who have or may desert is just, and ought to be reciprocal. The secretary thinks the project of Mr. Liston may be substantially accepted, except the 7th article, which seems to provide that the United States shall not demand the delivery of any sailors, although their citizens, if they have been employed on board British vessels, and who have, in time of *war* or *threatened hostilities*, voluntarily entered into the British service, or have been compelled to enter therein, according to the law and practice prevailing in Great Britain. This article is very inaccurately expressed; for it says, "employed or entered

into the service of their own sovereign or nation, or compelled to enter therein,' &c. If this article means what it is apprehended it does, it is wholly inadmissible. It establishes a principle reprobated by this country. The counter project of the secretary of state, in substance, meets the secretary's approbation; but it is submitted, whether the adoption of part of the draught by the secretary of the treasury will not improve it.

All which is respectfully submitted.

(Signed)

JAMES M. HENRY.

War Department, April 18, 1800.

Mr. Stoddert, Secretary of the Navy, to the President.

THE secretary of the navy, in obedience to the order of the President, respectfully submits the following observations, on the matters of reference to the heads of departments.

The proposed letter of the secretary of state, in answer to Mr. Liston's notes of the 2d and 4th February, demanding the restitution of American vessels captured by British ships and rescued by their own crews, appears to the secretary of the navy, entirely proper. He believes the demand is neither sanctioned by precedent, nor the law of nations. Should it be otherwise, Mr. Liston, as invited by the secretary of state, will show it.

Mr. Liston's project of an article on the subject of deserters, secures to his nation every thing it could require, but affords no security to the United States in a point of equal interest with them, that their merchant vessels will not be interrupted on the high seas, in order to impress from them their crews, under pretence of being deserters.

It is certainly just that the United States should afford to Great Britain all the reasonable security they have a right to expect from a friendly nation, against the loss of their seamen—a loss of all others the most serious to a nation depending on maritime strength for its power—perhaps for its safety. But it is equally just that the United

States should be secured against the impressment of their seamen on the high seas, and the interruption of their merchant vessels. The project of the secretary of the treasury meets the full approbation of the secretary of the navy: it seems to comprehend every thing that ought to be required on either side. But it is so desirable to have a right understanding on a subject so likely to produce ill blood, that rather than not agree, the secretary of the navy thinks the word *hereafter*, if positively insisted on, may be struck out of that project—and submits, whether, for the sake of accommodation, the limitation of time in which deserters may be claimed, *if strenuously urged by Mr. Liston*, may not be extended to three years. The secretary is clearly of opinion, that it is better to have no article, and to meet all consequences, than not to enumerate merchant vessels, on the high seas, among the things not to be forcibly entered in search of deserters.

All which is respectfully submitted.

(Signed)

BEN. STODDERT.

Navy Department, April 23, 1800.

The attorney general of the United States to the President.
Philadelphia, February 26, 1800.

SIR,

IN obedience to your direction, to report my opinion upon the matters contained in the two letters of his Britannic majesty's minister to the secretary of state, dated 2d and 4th instant, the following is respectfully submitted to your consideration.

In the first mentioned letter, a claim is made, by the express order of his Britannic majesty, that three American merchant vessels, namely, the brigantine *Experience*, the ship *Lucy*, and the brigantine *Fair Columbian*, which had been stopped and detained upon the high sea by several British ships of war under a suspicion of having enemies' property on board, and afterwards taken out of the hands of the prize masters, the two first by force, and the last without force, and brought into the United States, should be delivered up to the minister, together with the British sea-

men and deserters who assisted in those rescues, that they may be sent by him to some one of the British colonies, to be there dealt with according to law. This claim is to be considered as it relates to the American ships, and as it relates to the British seamen.

THE AMERICAN SHIPS.

No stipulation in the treaties between the two nations authorizes the demand for restitution of the American ships. It is therefore to be decided by the practice of friendly nations, which, upon this subject, is the only law.

It is not denied that a belligerent has a right to stop a neutral ship on the high sea suspected to have on board either contraband merchandise, destined to an enemy's port, or enemies' goods, and a right to send such neutral ship to a competent court for examination and trial: and it is equally true that this right is recognised in the President's instructions to the American ships of war. But while the right of searching neutral ships is acknowledged, it is not acknowledged that the sovereign of the neutral nation is under any obligation, by active measures, to aid and assist the sovereign of the belligerent nation in the exercise of this right. It is a right derived from war, which the belligerent nation is suffered to exercise in consequence of its superiour force, upon condition that reasonable satisfaction be made, in all cases of unjust detention, to the neutral ship; and all that is expected of the sovereign of the neutral nation is to remain passive.

The practice of searching and detaining neutral ships being grounded on the right which one enemy has of injuring and weakening the other, the neutral nation permits her merchant ships, under certain circumstances, to be stopped, treated and held as an enemy by the belligerent, but the belligerent in so doing must depend on his own strength and means, and may not call upon the sovereign of the neutral to aid him in enforcing the rights of war against his own neutral subjects, in those cases where no positive stipulations have been made by treaty. Hence arises the practice of putting on board a neutral ship, when detained and sent for adjudication, a prize master and a sufficient

number of men for carrying her into port against the will of the neutrals.

That a neutral nation should be required to exert its power in aid of the right of detaining and searching its own ships, which belligerents are allowed to exercise, is believed to be without precedent. If ever a restitution of neutral ships, detained and rescued under similar circumstances, has been claimed by the sovereign of a belligerent nation from the government of the neutral nation, the case is unknown to me. Such a claim is believed never to have been made, or if made, never granted.

Whatever right the British captors have (if any they have) to the possession of the American ships, is of a nature cognizable before the tribunals of justice, which are open to hear their complaints.

For these reasons, the President is advised to abstain from any act for the restitution of the ships, and that the British minister be informed that this part of the claim cannot be complied with.

THE BRITISH SEAMEN.

In demanding the British seamen who were brought in the repossessed vessels into the United States, I see nothing improper or unreasonable. These may be apprehended by warrants, to be issued by any justice of the peace, upon due proof, in those states where the state laws have so provided; and being apprehended, may be delivered to the master, or other person duly authorized to receive them. The act of Congress concerning seamen is believed to be confined to American seamen only, and consequently will afford no aid or remedy in the present case: and the remedy under the state laws may not be always found to answer the purpose. The claim of the British seamen in the present instance being reasonable, the minister may be answered, that every assistance shall be given for the recovery of them which the laws of this country admit and direct.

It certainly is an object of particular concern to the British nation, to come to an agreement with the United

States relative to deserters from the sea service, and it is not less interesting to the United States to come to an agreement with Great Britain relative to the impressment of American seamen. The project of an article relative to deserters, as proposed by Mr. Liston, so far as I understand it, appears to be reasonable: But the 7th clause of that project is so expressed as not to be certainly understood by me, and will require to be otherwise expressed that its meaning may not be misapprehended. If this article is associated with another concerning the impressment of American seamen in terms satisfactory to our government, I think it will be highly advisable to agree upon such stipulations. The one will be very agreeable to the British, and the other to the American nation, and especially at a time when the sensibility of the two nations seems to be a little excited upon those subjects. A proposal of this kind I think should be made without delay to the British minister here. I am, &c. &c. &c.

(Signed) CHARLES LEE.

To JOHN ADAMS, President of the United States.

THE attorney general having read and considered the letter of the Secretary of State and the project of an article drawn by the secretary of the treasury on the subject of deserters, which are proposed to be sent to the British minister here, expresses his entire approbation of the same.

April 30, 1800.

Extract of a Letter from John Marshall, Esq. Secretary of State, to Rufus King, minister plenipotentiary of the United States at London, dated "Department of State, September 20, 1800.

“THE impressment of our seamen is an injury of very serious magnitude, which deeply affects the feelings and the honour of the nation.

“This valuable class of men is composed of natives and foreigners who engage voluntarily in our service.

“No right has been asserted to impress the natives of America. Yet they are impressed, they are dragged on

board British ships of war, with the evidence of citizenship in their hands, and forced by violence there to serve, until conclusive testimonials of their birth can be obtained. These must most generally be sought for on this side the Atlantic. In the mean time acknowledged violence is practised on a free citizen of the United States, by compelling him to engage, and to continue in foreign service. Although the lords of the admiralty uniformly direct their discharge on the production of this testimony, yet many must perish unrelieved, and all are detained a considerable time in lawless and injurious confinement.

“It is the duty as well as the right of a friendly nation, to require that measures be taken by the British government to prevent the continued repetition of such violence by its agents. This can only be done by punishing and frowning on those who perpetrate it. The mere release of the injured, after a long course of service and of suffering, is no compensation for the past, and no security for the future. It is impossible not to believe, that the decisive interference of the government in this respect, would prevent a practice, the continuance of which must inevitably produce discord between two nations which ought to be the friends of each other.

“Those seamen who, born in a foreign country, have been adopted by this, were either the subjects of Britain or some other power.

“The right to impress those who were British subjects has been asserted, and the right to impress those of every other nation has not been disclaimed.

“Neither the one practice nor the other can be justified.

“With the naturalization of foreigners, no other nation can interfere further than the rights of that other are affected. The rights of Britain are certainly not affected by the naturalization of other than British subjects. Consequently those persons who, according to our laws, are citizens, must be so considered by Britain, and by every other power not having a conflicting claim to the person.

“The United States therefore require positively, that their seamen who are not British subjects, whether born

in America or elsewhere, shall be exempt from impressments.

“ The case of British subjects, whether naturalized or not, is more questionable ; but the right even to impress them is denied. The practice of the British government itself, may certainly in a controversy, with that government, be relied on. The privileges it claims and exercises ought to be ceded to others. To deny this would be to deny the equality of nations, and to make it a question of power and not of right.

“ If the practice of the British government may be quoted, that practice is to maintain and defend in their sea service all those, of any nation, who have voluntarily engaged in it, or who, according to their laws, have become British subjects.

“ Alien seamen, not British subjects, engaged in our merchant service, ought to be equally exempt with citizens from impressments : we have a right to engage them, and have a right to and an interest in their persons to the extent of the service contracted to be performed. Britain has no pretext of right to their persons or to their service. To tear them, then, from our possession, is at the same time an insult and an injury. It is an act of violence for which there exists no palliative.

“ We know well that the difficulty of distinguishing between native Americans and British subjects has been used, with respect to natives, as an apology for the injuries complained of. It is not pretended that this apology can be extended to the case of foreigners, and even with respect to natives we doubt the existence of the difficulty alleged. We know well that among that class of people who are seamen, we can readily distinguish between a native American and a person raised to manhood in Great Britain or Ireland ; and we do not perceive any reason why the capacity of making this distinction should not be possessed in the same degree by one nation as by the other.

“ If, therefore, no regulation can be formed which shall effectually secure all seamen on board American merchantmen, we have a right to expect from the justice of the

British government, from its regard for the friendship of the United States and its own honour, that it will manifest the sincerity of its wishes to repress this offence, by punishing those who commit it.

“ We hope, however, that an agreement may be entered into satisfactory and beneficial to both parties. The article which appears to have been transmitted by my predecessor, while it satisfies this country, will probably restore to the naval service of Britain a greater number of seamen than will be lost by it. Should we even be mistaken in this calculation, yet the difference cannot be put in competition with the mischief which may result from the irritation justly excited, by this practice, throughout the United States. The extent and the justice of the resentments it produces, may be estimated, in Britain, by inquiring what impressions would be made on them by similar conduct on the part of this government.

“ Should we impress from the merchant service of Britain, not only Americans but foreigners, and even British subjects, how long would such a course of injury undressed be permitted to pass unrevenged? How long would the government be content with unsuccessful remonstrance and unavailing memorials? I believe, sir, that only the most prompt correction of, compensation for, the abuse, would be admitted as satisfaction in such a case.

“ If the principles of this government forbid it to retaliate by impressments, there is yet another mode which might be resorted to. We might authorize our ships of war, though not to impress, yet to recruit sailors on board British merchantmen. Such are the inducements to enter into our naval service that we believe even this practice would very seriously affect the navigation of Britain. How, sir, would it be received by the British nation?

“ Is it not more advisable to desist from, and to take effectual measures to prevent, an acknowledged wrong, than by perseverance in that wrong to excite against themselves the well founded resentments of America, and force our government into measures which may very possibly terminate in an open rupture.”

No. 2.

Extract of a Letter from Thomas Pinckney, Esquire, to the Secretary of State, dated "London, Jan. 3, 1793.

"I HAVE only time to say, by the present opportunity, that their contents shall be duly attended to. I have strongly urged the adoption of equitable regulations concerning seamen, and from a conference with lord Grenville this day, I have greater hope of a favourable termination of this negotiation than I hitherto entertained. My expectations on this head are, however, only founded on what lord Grenville declares to be his own ideas of the subject at present; but as this business particularly concerns another department, nothing conclusive can be relied on from a declaration thus expressly confined."

Extract of a Letter from Thomas Pinckney, Esq. to the Secretary of State, dated "London, March 13, 1793.

"OUR trade continues subject to great inconvenience, both from our seamen being impressed from the idea of their being British subjects, and from their entering voluntarily on board of the king's ships, tempted by the present high bounties. I have had frequent conversations on this subject with lord Grenville, who always expresses himself to be sensible of the inconvenience to which we are subjected, and desirous to apply a remedy; but still nothing decisive is done. Our consuls are permitted to protect from impressment such of our seamen as are natives of America, but no others; and the difficulty of determining by agreement who besides natives are to be considered as citizens of the United States, will, I fear, during the present generation at least, remain an obstacle to every other plan than that of letting the vessel protect a given number of men, according to her tonnage. I insist upon the terms of our act of Congress as the rule of discrimination, and show that in point of time it accords with an act of their own relating to seamen. I send herewith a transcript of a representation I made on the subject of British officers

detaining deserters from our vessels, under pretence of their being Englishmen, and extorting the payment of their wages : on this last subject a question is now depending in the court of admiralty ; the former remains without an answer from the lords commissioners of that department. Lord Grenville having said that he wished me to have some conversation with Mr. Bond, on account of his being particularly well acquainted with this subject, I told his lordship I had no objection to conversing with any person appointed by him on this subject. In a few days I received the enclosed note from Mr. Bond, to which I sent the answer annexed, in order to produce an explanation, whereby neither more nor less than the proper degree of importance might be attached to the conference. Mr. Bond came : He said he had no commission to treat on the subject ; we therefore agreed that it was to be considered altogether as an informal conversation. We discoursed at length upon the subject, but I do not find that we are nearer coming to a conclusion on the business than we were before. He appeared not to be prepared for the extent of the reciprocity which I contended should form the basis and pervade the whole of the transaction ; for when he urged the point of our seamen, or at least their captain in their behalf, being furnished with testimonials of their being Americans before they left our ports, I told him the inconveniences arising from this procedure would be equally felt by both nations ; for that we should expect their seamen to be furnished with similar testimonials when they came to our ports to those they expected our mariners would bring to theirs : he asked in what instance it would become necessary, (alluding, I presume, to our not being in the habit of impressing ;) I answered, that unless we could come to some accommodation which might ensure our seamen against this oppression, measures would be taken to cause the inconvenience to be equally felt on both sides. I have not since seen Mr. Bond, but find he is ordered out to America with the title of consul general for the middle and southern states."

Extract of a Note from Mr. Jay, envoy extraordinary and minister plenipotentiary of the United States at London, to Lord Grenville, secretary of foreign affairs, dated "London, July 30, 1794.

"THE undersigned finds it also to be his duty to represent, that the irregularities before mentioned, extended not only to the capture and condemnation of American vessels and property, and to unusual personal severities, but even to the impressment of American citizens, to serve on board of armed vessels. He forbears to dwell on the *injuries* done to these unfortunate individuals, or on the *emotions* which they must naturally excite, either in the breasts of the nation to whom they belong, or of the just and humane of every country. His reliance on the justice and benevolence of his majesty leads him to indulge the pleasing expectation, that orders will be given, that Americans so circumstanced be immediately liberated, and that persons honoured with his majesty's commissions do in future abstain from similar violences.

"It is with cordial satisfaction that the undersigned reflects on the impressions which such equitable and conciliatory measures would make on the minds of the United States, and how naturally they would inspire and cherish those sentiments and dispositions which never fail to preserve as well as to produce respect, esteem, and friendship."

Extract of a note from Mr. King, minister plenipotentiary of the United States at London, to Lord Grenville, dated "London, Great Cumberland Place, Nov. 30, 1796.

"IN your lordship's letter of the 21st of September, in answer to my application for the discharge of Maxwell, an American citizen, impressed and detained on board his majesty's ship Sandwich, the reason assigned against his discharge is, "that he is married and settled at Bristol;" and I understand that the orders of the lords commissioners of the admiralty for the discharge of American sea-

men usually contain a proviso, that the discharge is not to operate in favour of any person who has entered on board of any of his majesty's ships, or who is married or settled within any of his majesty's dominions. Without admitting, or contesting, on this occasion, the rule of English law, that a subject cannot divest himself of his natural allegiance, I take the liberty to request your lordship's attention to the diversity of practice, so much to the disadvantage of the American citizens, that prevails in the application of this rule.

“If Great Britain requires the acquiescence of foreign nations in this law, so far as regards the requisition of her subjects married and settled abroad, or voluntarily engaged in foreign service, is she not bound to observe it in like manner herself, in respect to the subjects of foreign powers, under similar circumstances, in her service or within her dominions? If to the demand of a foreigner in her service by the nation to which he belongs, Great Britain answers, that such foreigner cannot be delivered, because he has voluntarily engaged to serve his majesty, or is married or settled within his majesty's dominions, is she not bound by her own principles to admit the validity of the same answer from such foreign nation, when she requires the surrender of British subjects found in a similar predicament in the service or within the territory of such foreign nation? Justice, which is always impartial, furnishes the proper answer to these questions.

“Admitting, then, that the voluntary contract of an American citizen to serve on board a British ship, or the marriage or settlement of such citizen within his majesty's dominions, is the foundation of a right in his majesty's government to refuse the requisition of the United States of America, that such citizen should be discharged from his majesty's service, do we not thereby establish a principle that at once condemns and puts an end to the practice of his majesty's naval officers, in entering American ships, in search of and for the purpose of impressing British seamen, since all seamen found on board such ships are there of choice and by voluntary contract to serve in the American employ?

“But if neither of these circumstances can be considered as justly giving a right to his majesty’s government to refuse the discharge of American citizens, does it not result that the usual proviso connected with the orders for the discharge of such citizens, and which is assigned as a reason against the discharge of John Maxwell, is without any just foundation, and consequently operates to the disadvantage and injury of the American citizens.

Extract of a Letter from Rufus King, Esquire, to the Secretary of State, dated “London, April 13, 1797.

“SEAMEN.

“It was before my arrival that lord Grenville had expressed to Mr. Pinckney a dissatisfaction with the practice of granting protections to American seamen by our consuls.

“Before I received your opinion on this subject, lord Grenville had written me a letter, in which this branch of the consular power is denied, and notice given to us that the practice must be discontinued. A copy of this letter, and of mine transmitting it to our several consuls, I had the honour to send you with my letter of the 10th of December. Previous to the communication of this resolution of the British government, it had been notified to Mr. Pinckney, that all applications for the discharge of American seamen impressed into the British service, must in future come through the American minister, instead of coming from the American consuls, as had been customary. One consequence of this regulation has been, that the subject in all its details has come under my observation, and its importance, I confess, is much greater than I had supposed it. Instead of a few, and those in many instances equivocal cases, I have, since the month of July past, made application for the discharge from British men of war of 271 seamen, who, stating themselves to be Americans, have claimed my interference: Of this number 86 have been ordered by the admiralty to be discharged; 37 more have been detained as British subjects, or as American volunteers, or for want of proof that they are Americans; and to my applications for the discharge of the remaining

148, I have received no answer; the ships on board of which these seamen were detained having, in many instances, sailed before an examination was made in consequence of my applications.

“It is certain that some of those who have applied to me are not American citizens, but the exceptions are, in my opinion, few, and the evidence, exclusive of certificates, has been such as, in most cases, to satisfy me, that the applicants were real Americans, who have been forced into the British service, and who, with singular constancy, have generally persevered in refusing pay and bounty, though in some instances they have been in service more than two years. As the applications for my aid seemed to increase, after the suspension of the consular power to grant protections (owing to the exposed situation of our seamen in consequence of the denial of this power,) I judged it advisable, though I saw little prospect of any permanent agreement, to attempt to obtain the consent of this government, that, under certain regulations, our consuls should again be authorized to grant certificates of citizenship to our seamen. My letter to lord Grenville and his answer you have enclosed.

“I likewise send you the copy of another letter, to which I have received no answer, that I wrote to lord Grenville in order to expose the inconsistency with the laws and principles of British allegiance of a rule by which acknowledged Americans are detained in the British service.”

[COPY.] *Extract of a Letter from Rufus King, Esquire, minister plenipotentiary of the United States, to the Secretary of State, dated “London, March 15, 1799.*

“IMPRESSING OF SEAMEN.

“I THEN mentioned our dissatisfaction with the continuation of the practice of taking out of our ships, met on the main ocean, such of their crews as did not possess certificates of American citizenship; denying, as I had often done in former conferences upon the same subject, any

right on the part of Great Britain upon which the practice could be founded; and suggesting that our ships of war, by permission of our government, might with equal right pursue the same practice towards their merchantmen.

“That not only seamen who spoke the English language, and who were evidently English or American subjects, but also all Danish, Swedish, and other foreign seamen, who could not receive American protections, were indiscriminately taken from their voluntary service in our neutral employ and forced into the war in the naval service of Great Britain.

“That on this subject we had again and again offered to concur in a convention, which we thought practicable to be formed, and which should settle these questions in a manner that would be safe for England, and satisfactory to us.

“That to decline such convention, and to persist in a practice which we were persuaded could not be vindicated, especially to the extent to which it was carried, seemed less equitable and moderate than we thought we had a right to expect.

“Lord Grenville stated no precise principle upon which he supposed this practice could be justified, and the conversation upon this point, like many others upon the same subject, ended without a prospect of satisfaction. The French and Spaniards, and every other nation, might pursue the same conduct as rightfully as Great Britain does. With respect to foreign seamen in our employ, this government has, if I recollect, yielded the point, though their officers continue the practice. We are assured that all Americans shall be discharged on application for that purpose, and that orders to this effect have been given to their naval commanders; but this is far short of satisfaction—indeed, to acquiesce in it, is to give up the right.”

Extract of a Letter from Mr. King to the Secretary of State. "London, February 25, 1801.

"THE progress which had been made in our negotiation with this government, was such as must have brought it to a speedy conclusion, had not a change taken place in the department of foreign affairs: that the result would, in the main, have been satisfactory, is more than I am authorized to say, though I flattered myself with the hope that it would be so. Lord Hawkesbury assures me that he will give to the several subjects, which have been pretty fully discussed, an early and impartial consideration; and I am in hopes that lord St. Vincent will likewise be inclined to attend to our reiterated remonstrances against the impressment of our seamen, and the vexations of our trade."

Extract of a Letter from Rufus King, Esq. to the Secretary of State. "New York, July 1803.

"SIR,

"I TAKE the liberty to add a few miscellaneous articles, by way of supplement to my last despatch.

"AMERICAN SEAMEN.

"As soon as the war appeared to me unavoidable, I thought it advisable to renew the attempt to form an arrangement with the British government for the protection of our seamen: with this view I had several conferences, both with lord Hawkesbury and Mr. Addington, who avowed a sincere disposition to do whatever might be in their power to prevent the dissatisfaction on this subject, that had so frequently manifested itself during the late war: with very candid professions, I however found several objections, in discussing the project with the first lord of the admiralty. Lord Hawkesbury having promised to sign any agreement upon the subject that I should conclude with lord St. Vincent, I endeavoured to qualify and remove the objections he offered to our project, and finally, the

day before I left London, lord St. Vincent consented to the following regulations :

“ 1. No seaman nor seafaring person shall, upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship or vessel belonging to the citizens or subjects of one of the parties, by the publick or private armed ships or men of war belonging to or in the service of the other party : and strict orders shall be given for the due observance of this engagement.

“ 2. Each party will prohibit its citizens or subjects from clandestinely concealing or carrying away from the territories or colonial possessions of the other, any seaman belonging to such other party.

“ 3. These regulations shall be in force for five years, and no longer.

“ On parting with his lordship, I engaged to draw up, in the form of a convention, and send him these articles in the course of the evening, who promised to forward them, with his approbation, to lord Hawkesbury : I accordingly prepared and sent the draft to his lordship, who sent me a letter in the course of the night, stating that on further reflection he was of opinion, that the narrow seas should be expressly excepted, they having been, as his lordship remarked, immemorially considered to be within the dominion of Great Britain ; that with this correction he had sent the proposed convention to lord Hawkesbury, who, his lordship presumed, would not sign it before he should have consulted the judge of the high court of admiralty, sir William Scott.

“ As I had supposed, from the tenour of my conferences with lord St. Vincent, that the doctrine of the *mare clausum* would not be revived against us on this occasion, but that England would be content with the limited jurisdiction or dominion over the seas adjacent to her territories, which is assigned by the law of nations to other states ; I was not a little disappointed on receiving this communication ; and after weighing well the nature of the principle and the disadvantages of its admission, I concluded to

abandon the negotiation rather than to acquiesce in the doctrine it proposed to establish.

“ I regret not to have been able to put this business on a satisfactory footing, knowing, as I do, its very great importance to both parties ; but I flatter myself that I have not misjudged the interest of our own country, in refusing to sanction a principle that might be productive of more extensive evils than those it was our aim to prevent.”

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
HOUSE OF REPRESENTATIVES. JULY 6, 1812.

I TRANSMIT to the House of Representatives a report from the Secretary of State of this date, complying with their resolution of the 30th of January last.

JAMES MADISON.

THE Secretary of State, in pursuance of a resolution of the House of Representatives of the 30th of January last, has the honour to report to the President of the United States, six several lists of captures, seizures and condemnations, of the ships and merchandise of the citizens of the United States, under the authority of the governments of Europe; to wit :

No. 1. British captures prior to the orders in council of November 11, 1807.

No. 2. British captures subsequent to the date of the orders in council of November 11, 1807.

No. 1. French captures, seizures and condemnation prior to the Berlin and Milan decrees.

No. 2. French captures, seizures and condemnations, during the existence of the decrees of Berlin and Milan.

No. 3. French seizures, captures, and condemnations since the revocation of the Berlin and Milan decrees.

No. 4. Captures, seizures, and condemnations under the authority of the government of Naples. And, in addition—

A statement Danish captures, condemnations, &c.

The documents from which these lists have been compiled, being of a miscellaneous nature, the detail is unavoidably imperfect. The sums stated as the amount of loss, are, in many cases, doubtful. The chief fact from which the *cause* of capture can be inferred, is the *date* of capture; which, on referring to the regulations, orders, or decrees, existing at the time, may serve to elucidate that point of the inquiry. The successive orders, decrees, &c. of the belligerent powers, as they have come to the knowledge of this department, up to the year 1808, may be found in a report made to Congress, by the Secretary of State, on the 21st of December of that year. In that report the belligerent edicts bearing upon neutral commerce, and corresponding with the years on the lists now sent, are as follows:

British.

French.

1803. June 24. Direct trade between neutrals and the colonies of enemies not to be interrupted, unless upon the outward voyage contraband supplies shall have been furnished by the neutrals.

1803.

1804. April 12. Instructions concerning blockades, communicated by Mr. Merry. Conversion of the siege of Curacao into a blockade.

1804.

August 9. Blockade of Fe-camp, &c.

1805. August 17. Direct trade with enemies' colonies subjected to restrictions.

1805.

1806. April 8. Blockade of the Ems, Weser, &c.

1806.

May 16. Blockade from the Elbe to Brest.

British.

September 25. Discontinuance of the last blockade in part.

1807. March 12. Interdiction of the trade from port to port of France.

June 26. Blockade of the Ems, &c.

October 16. Proclamation recalling seamen.

November 11. Three orders in council.

Nov. 25. Six orders in council.

1808. Jan. 8. Blockade of Carthage, &c.

March 28. Act of parliament.

April 11. Orders encouraging our citizens to violate the embargo.

April 14. Act of parliament to prohibit the exportation of cotton wool, &c.

Act of parliament making valid certain orders in council.

May 4. Blockade of Copenhagen and the island of Zealand.

June 23. Act of parliament regulating trade between the United States and Great Britain.

October 14. Admiral Cochran's blockade of the French Leeward Islands.

French.

1806. Nov. 21.

Berlin decree.

1807. Dec. 17.

Milan decree.

1808. April 17.

Bayonne decree.

To these may be added the British order in council of the 26th of April, 1809, prohibiting altogether all trade with France and Holland, and the ports of Italy comprehended under the denomination of the kingdom of Italy; the blockade of the ports of Spain from Gijon to the French territory of the 20th February, 1810, which was partially relaxed on the 14th of May, 1810; the blockade of Venice, instituted on the 27th of July, 1806, and which was declared

to be still in force on the 26th of March, 1810 ; the blockade of the canal of Corfu of the 18th of Aug. 1810, which, in effect, was an attempt to blockade the whole Adriatic sea ; together with certain other regulations, principally touching the trade on the Baltic.

To the French edicts may be added the decree of Rambouillet of the 23d of March, 1810.

The seizures and condemnations under the authority of the government of Naples, were principally in consequence of a special decree of the sovereign of that state.

In making up the lists, reference has been had to the dates of the orders in council of Nov. 1807, and the French edicts of Berlin and Milan, chiefly because their promulgation formed a new epoch in the history of commercial spoliations. Under this division these lists will exhibit the following results.

BRITISH.		VESSELS.
Captures, &c. prior to the orders in council of Nov.		
1807	-	528
Captures, &c. subsequent to those orders	-	389
		<hr/>
		Total 917

FRENCH.		VESSELS.
Captures, &c. prior to the Berlin and Milan decrees		
		206
Captures during the existence of those decrees	-	307
Captures since the revocation of those decrees		45
		<hr/>
		Total 558

The number of captures by the Neapolitans amounts to 47. The statement relative to Danish captures will best explain itself.

With respect to the question proposed by the resolution in obedience to which this report is made, "How far the decrees, orders, or regulations, under which the captures have been made, are abandoned or persevered in by the nation making such captures," it may be remarked, that the Berlin and Milan decrees were revoked, as far as they affected the neutral commerce of the United States, accord-

ing to an official declaration of the French government made at Paris on the 5th of August, 1810, to the American minister then resident there; and that this revocation in the same latitude, has been since corroborated by acts and declarations of the French government communicated to the minister of the United States who now resides at Paris. The decrees of Bayonne and of Rambouillet, as well as that of the sovereign of Naples, being *special*, ceased with the accomplishment of the particular object of their promulgation.

On the part of Great Britain, it is officially known to the Secretary of State, that up to the period of declaring war against that power by Congress, the orders in council were rigidly enforced against American neutral trade; captures and condemnations were incessantly occurring; and with respect to any edict of a date anterior to those orders in council, it is impossible distinctly to specify whether it has been abandoned or not; for so late as the 26th March, 1810, the British secretary of state for foreign affairs officially refused to allow the American minister in London to *infer* that the blockade of May, 1806, had become extinct by the operation of the orders in council. On the contrary, he expressly stated that that blockade was comprehended under the more extensive restrictions of a subsequent order: Hence it may be inferred, that the orders in council of Nov. 1807, and of April, 1809, which were a more general extension of unlawful principles previously acted upon in a limited degree, although they comprehended yet did not extinguish, particular blockades or orders antecedently proclaimed; thus leaving it uncertain whether, in the event of the revocation of the orders in council themselves, any or what obnoxious edicts would or would not be insisted on or relinquished.

In relation to Spain, the department of State is not in possession of information sufficient to authorize a report of captures, &c. during the present war, by that power.

All which is respectfully submitted.

JAMES MONROE.

Department of State, July 6, 1812.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
HOUSE OF REPRESENTATIVES, JULY 1, 1812.†

IN compliance with the resolution of the house of representatives of the 26th of June, I transmit the information contained in the documents herewith enclosed.

JAMES MADISON.

From the Secretary of State to Gen. Geo. Matthews, and Col. John M. Kee, dated Department of State, Jan. 26, 1811.

THE President of the United States having appointed you jointly and severally commissioners for carrying into effect certain provisions of an act of Congress, (a copy of which is enclosed) relative to the portion of the Floridas situated to the east of the river Perdido, you will repair to that quarter with all possible expedition, concealing from general observation the trust committed to you, with that discretion which the delicacy and importance of the undertaking require.

Should you find governour Folk, or the local authority existing there, inclined to surrender in an amicable manner the possession of the remaining portion or portions of West Florida now held by him in the name of the Spanish monarchy, you are to accept, in behalf of the United States, the abdication of his, or of the other existing authority, and the jurisdiction of the country over which it extends. And should a stipulation be insisted on for the re-delivery of the country, at a future period, you may engage for such re-delivery to the lawful sovereign.

The debts clearly due from the Spanish government to the people of the territory surrendered may, if insisted on, be assumed within reasonable limits, and under

† [This Message was confidential; and the injunction of secrecy not removed till July 6.]

specified descriptions, to be settled hereafter as a claim against Spain in an adjustment of our affairs with her. You may also guarantee, in the name of the United States, the confirmation of all such titles to land as are clearly sanctioned by Spanish laws: and Spanish civil functionaries, where no special reasons may require changes, are to be permitted to remain in office with the assurance of a continuation of the prevailing laws, with such alterations only as may be necessarily required in the new situation of the country.

If it should be required, and be found necessary, you may agree to advance as above a reasonable sum for the transportation of the Spanish troops.

These directions are adapted to one of the contingencies specified in the act of Congress, namely, the amicable surrender of the possession of the territory by the local ruling authority. But should the arrangement, contemplated by the statute, not be made, and should there be room to entertain a suspicion of an existing design in any foreign power to occupy the country in question, you are to keep yourselves on the alert, and on the first undoubted manifestation of the approach of a force for that purpose, you will exercise with promptness and vigour the powers with which you are invested by the President to preoccupy by force the territory, to the entire exclusion of any armament that may be advancing to take the possession of it. In this event, you will exercise a sound discretion in applying the powers given with respect to debts, titles to land, civil officers, and the continuation of the Spanish laws; taking care to commit the government on no point further than may be necessary. And should any Spanish military force remain within the country, after the occupancy by the troops of the United States, you may, in such case, aid in their removal from the same.

The universal toleration which the laws of the United States assure to every religious persuasion, will not escape you as an argument for quieting the minds of uninformed individuals, who may entertain fears on that head.

The conduct you are to pursue in regard to East Flori-

la, must be regulated by the dictates of your own judgments, on a close view and accurate knowledge of the precise state of things there, and of the real disposition of the Spanish government, always recurring to the present instruction as the paramount rule of your proceedings. Should you discover an inclination in the governour of East Florida, or in the existing local authority, amicably to surrender that province into the possession of the United States, you are to accept it on the same terms that are prescribed by these instructions in relation to West Florida. And in case of the actual appearance of any attempt to take possession by a foreign power, you will pursue the same effective measures for the occupation of the territory, and for the exclusion of the foreign force, as you are directed to pursue with respect to the country east of the Perdido, forming, at this time, the extent of governour Folk's jurisdiction.

If you should, under these instructions, obtain possession of Mobile, you will lose no time in informing governour Claiborne thereof, with a request that he will, without delay, take the necessary steps for the occupation of the same.

All ordnance and military stores that may be found in the territory, must be held as the property of the Spanish government, to be accounted for hereafter to the proper authority; and you will not fail to transmit an inventory thereof to this department.

If in the execution of any part of these instructions, you should need the aid of a military force, the same will be afforded you upon your application to the commanding officer of the troops of the United States on that station, or to the commanding officer of the nearest post, in virtue of orders which have been issued from the war department. And in case you should moreover need naval assistance, you will receive the same upon your application to the naval commander, in pursuance of orders from the navy department.

From the treasury department will be issued the necessary instructions in relation to imposts and duties, and to the slave ships whose arrival is apprehended.

The President, relying upon your discretion, authorizes you to draw upon the collectors of Orleans and Savannah for such sums as may be necessary to defray unavoidable expenses that may be incurred in the execution of these instructions, not exceeding in your drafts on New Orleans eight thousand dollars, and in your drafts on Savannah two thousand dollars, without further authority, of which expenses you will hereafter exhibit a detailed account, duly supported by satisfactory vouchers.

P. S. If governour Folk should unexpectedly require, and pertinaciously insist that the stipulation for the re-delivery of the territory should also include that portion of the country which is situated west of the river Perdido, you are, in yielding to such demand, only to use general words that may by implication comprehend that portion of country; but at the same time you are expressly to provide, that such stipulation shall not in any way impair or affect the right or title of the United States to the same.

The Secretary of State to General Matthews. Department of State, April 4, 1812.

SIR,

I HAVE had the honour to receive your letter of the 14th March, and have now to communicate to you the sentiments of the President on the very interesting subject to which it relates.

I am sorry to have to state that the measures which you appear to have adopted for obtaining possession of Amelia island and other parts of East Florida, are not authorized by the law of the United States, or the instructions founded on it, under which you have acted.

You were authorized by the law, a copy of which was communicated to you, and by your instructions, which are strictly conformable to it, to take possession of East Florida, only in case one of the following contingencies should happen: either that the governour, or other existing local authority should be disposed to place it amicably in the hands of the United States, or that an attempt should be made to take possession of it by a foreign power. Should

the first contingency happen, it would follow that the arrangement being amicable, would require no force on the part of the United States to carry it into effect. It was only in case of an attempt to take it by a foreign power that force could be necessary, in which event only were you authorized to avail yourself of it.

In neither of these contingencies was it the policy of the law, or purpose of the executive, to wrest the province forcibly from Spain, but only to occupy it with a view to prevent its falling into the hands of any foreign power, and to hold that pledge under the existing peculiarity of the circumstances of the Spanish monarchy, for a just result in an amicable negotiation with Spain.

Had the United States been disposed to proceed otherwise, that intention would have been manifested by a change of the law, and suitable measures to carry it into effect. And as it was in their power to take possession whenever they might think that circumstances authorized and required it, it would be the more to be regretted, if possession should be effected by any means irregular in themselves, and subjecting the government of the United States to unmerited censure.

The views of the executive respecting East Florida, are further illustrated by your instructions as to West Florida. Although the United States have thought, that they had a good title to the latter province, they did not take possession until after the Spanish authority had been subverted by a revolutionary proceeding, and the contingency of the country being thrown into foreign hands had forced itself into view. Nor did they then, nor have they since dispossessed the Spanish troops of the post which they occupied. If they did not think proper to take possession by force, of a province to which they thought they were justly entitled, it could not be presumed that they should intend to act differently in respect to one to which they had not such a claim.

I may add, that although due sensibility has been always felt for the injuries which were received from the Spanish government in the last war, the present situation of Spain

has been a motive for a moderate and pacifick policy towards her.

In communicating to you these sentiments of the executive on the measures you have lately adopted for taking possession of East Florida, I add with pleasure that the utmost confidence is reposed in your integrity and zeal to promote the welfare of your country. To that zeal the error into which you have fallen, is imputed. But in consideration of the part which you have taken, which differs so essentially from that contemplated and authorized by the government, and contradicts so entirely the principles on which it has uniformly and sincerely acted, you will be sensible of the necessity of discontinuing the service in which you have been employed.

You will, therefore, consider your powers as revoked on the receipt of this letter. The new duties to be performed will be transferred to the governour of Georgia, to whom instructions will be given on all the circumstances to which it may be proper, at the present juncture, to call his attention. I have the honour to be, &c.

JAMES MONROE.

Gen. MATTHEWS, &c.

*The Secretary of State to his Excellency D. B. Mitchell,
the Governour of Georgia. Department of State, April
10, 1812.*

SIR,

THE President is desirous of availing the publick of your services, in a concern of much delicacy and of high importance to the United States. Circumstances with which you are in some degree acquainted, but which will be fully explained by the enclosed papers, have made it necessary to revoke the powers heretofore committed to general Matthews, and to commit them to you. The President is persuaded that you will not hesitate to undertake a trust so important to the nation, and peculiarly to the state of Georgia. He is the more confident in this belief, from the consideration that these new duties may be

discharged without interfering, as he presumes, with those of the station which you now hold.

By the act of the 15th of January, 1811, you will observe that it was not contemplated to take possession of East Florida, or of any part thereof, unless it should be surrendered to the United States amicably by the governour, or other local authority of the province, or against an attempt to take possession of it by a foreign power: and you will also see that general Matthews' instructions, of which a copy is likewise enclosed, correspond fully with the law.

By the documents in possession of the government it appears that neither of these contingencies have happened, that instead of an amicable surrender by the governour, or other local authority, the troops of the United States have been used to dispossess the Spanish authority by force. I forbear to dwell on the details of this transaction, because it is painful to recite them. By the letter to general Matthews, which is enclosed opened for your perusal, you will fully comprehend the views of the government respecting the late transaction, and by the law, the former instructions to the general, and the late letter now forwarded, you will be made acquainted with the course of conduct which it is expected of you to pursue in future, in discharging the duties heretofore enjoined on him.

It is the desire of the President that you should turn your attention and direct your efforts, in the first instance, to the restoration of that state of things in the province which existed before the late transactions. The executive considers it proper to restore back to the Spanish authorities Amelia island, and such other parts, if any, of East Florida as may have thus been taken from them. With this view it will be necessary for you to communicate directly with the governour or principal officer of Spain in that province, and to act in harmony with him in the attainment of it. It is presumed that the arrangement will be easily and amicably made between you. I enclose you an order from the secretary at war to the commander of the troops of the United States to evacuate the country, when requested so to do by you, and to pay the same re-

spect in future to your order in fulfilling the duties enjoined by the law, that he had been instructed to do to that of general Matthews.

In restoring to the Spanish authorities Amelia island and such other parts of East Florida as may have been taken possession of in the name of the United States, there is another object to which your particular attention will be due. In the measures lately adopted by general Matthews to take possession of that territory, it is probable that much reliance has been placed by the people who acted in it on the countenance and support of the United States. It will be improper to expose these people to the resentment of the Spanish authorities. It is not to be presumed that those authorities, in regaining possession of the territory, in this amicable mode from the United States, will be disposed to indulge any such feeling toward them. You will however come to a full understanding with the Spanish governour on this subject, and not fail to obtain from him the most explicit and satisfactory assurance respecting it. Of this assurance you will duly apprize the parties interested, and of the confidence which you repose in it. It is hoped that on this delicate and very interesting point, the Spanish governour will avail himself of the opportunity it presents to evince the friendly disposition of his government towards the United States.

There is one other remaining circumstance only to which I wish to call your attention, and that relates to general Matthews himself. His gallant and meritorious services in our revolution, and patriotick conduct since, have always been held in high estimation by the government. His errors in this instance are imputed altogether to his zeal to promote the welfare of his country; but they are of a nature to impose on the government the necessity of the measures now taken, in giving effect to which you will doubtless feel a disposition to consult, as far as may be, his personal sensibility.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

P. S. Should you find it impracticable to execute the duties designated above in person, the President requests that you will be so good as to employ some very respectable character to represent you in it, to whom you are authorized to allow a similar compensation. It is hoped however that you may be able to attend to it in person, for reasons which I need not enter into. The expenses to which you may be exposed will be promptly paid to your draft on this department.

The Secretary of State to D. B. Mitchell, Esq. governour of Georgia. Department of State, May 27, 1812.

SIR,

I HAVE had the honour to receive your letter of the 2d inst. from St. Mary's, where you had arrived in discharge of the trust reposed in you by the President, in relation to East Florida.

My letter by Mr. Isaacs has, I presume, substantially answered the most important of the queries submitted in your letter, but I will give to each a more distinct answer.

By the law, of which a copy was forwarded to you, it is made the duty of the President to prevent the occupation of East Florida by any foreign power. It follows that you are authorized to consider the entrance, or attempt to enter, especially under existing circumstances, of British troops of any description, as the case contemplated by the law, and to use the proper means to defeat it.

An instruction will be immediately forwarded to the commander of the naval force of the United States, in the neighbourhood of East Florida, to give you any assistance, in case of emergency, which you may think necessary, and require.

It is not expected, if you find it proper to withdraw the troops, that you should interfere to compel the patriots to surrender the country, or any part of it, to the Spanish authorities. The United States are responsible for their own conduct only, not for that of the inhabitants of East Florida. Indeed, in consequence of the compromitment of

the United States to the inhabitants, you have been already instructed not to withdraw the troops, unless you find that it may be done consistently with their safety, and to report to the government the result of your conferences with the Spanish authorities, with your opinion of their views, holding in the mean time the ground occupied.

In the present state of our affairs with Great Britain, the course above pointed out is the more justifiable and proper. I have the honour, &c.

(Signed)

JAMES MONROE.



MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO BOTH
HOUSES OF CONGRESS AT THE COMMENCEMENT OF THE
SECOND SESSION OF THE TWELFTH CONGRESS. NOV.
4, 1812.

FELLOW CITIZENS OF THE SENATE
AND OF THE HOUSE OF REPRESENTATIVES,

ON our present meeting, it is my first duty to invite your attention to the providential favours which our country has experienced in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labours bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favourable to the national prosperity, there is just occasion, also, for our mutual congratulations and thankfulness.

With these blessings are necessarily mingled the pressures and vicissitudes incident to the state of war into which the United States have been forced, by the perseverance of a foreign power in its system of injustice and aggression.

Previous to its declaration it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan territory, with a

general view to its security, and, in the event of war, to such operations in the uppermost Canada as would intercept the hostile influence of Great Britain over the savages, obtain the command of the lake on which that part of Canada borders, and maintain co-operating relations with such forces as might be most conveniently employed against other parts. Brigadier general Hull was charged with this provisional service ; having under his command a body of troops composed of regulars, and of volunteers from the state of Ohio. Having reached his destination after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighbouring territory of the enemy, with a prospect of easy and victorious progress. The expedition nevertheless terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both, and of the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event, is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace and promoted civilization among that wretched portion of the human race, and was making exertions to dissuade them from taking either side in the war, the enemy has not scrupled to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage and torture which are known to spare neither age nor sex. In this outrage against the laws of honourable war, and against the feelings sacred to humanity, the British commanders cannot resort to a plea of retaliation ; for it is committed in the face of our example. They cannot mitigate it by calling it a self-defence against men in arms ; for it embraces the most shocking butcheries of defenceless families. Nor can it be pretended that they are not answerable for the atrocities perpetrated ; since the savages are employed with a knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputed authorities of a nation,

boasting its religion and morality, have not been restrained from presenting to an enlightened age.

The misfortune at Detroit was not, however, without a consoling effect. It was followed by signal proofs, that the national spirit rises according to the pressure on it. The loss of an important post, and of the brave men surrendered with it, inspired every where new ardour and determination. In the states and districts least remote, it was no sooner known, than every citizen was ready to fly with his arms, at once to protect his brethren against the blood-thirsty savages let loose by the enemy on an extensive frontier; and to convert a partial calamity into a source of invigorated efforts. This patriotick zeal, which it was necessary rather to limit than excite, has embodied an ample force from the states of Kentucky and Ohio, and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of brigadier general Harrison, who possesses the entire confidence of his fellow soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations, than by their personal merits. The greater portion of this force is proceeding on its destination, towards the Michigan territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the subserviency into which they had been seduced by the enemy; a seduction the more cruel, as it could not fail to impose a necessity of precautionary severities against those who yielded to it.

At a recent date, an attack was made on a post of the enemy near Niagara, by a detachment of the regular and other forces under the command of major general Van Rensselaer of the militia of the state of New York. The attack, it appears, was ordered in compliance with the ardour of the troops, who executed it with distinguished gallantry, and were for a time victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable and is deeply to be lamented. That of

the enemy, less ascertained, will be the more felt, as it includes among the killed the commanding general, who was also the governour of the province; and was sustained by veteran troops, from unexperienced soldiers, who must daily improve in the duties of the field.

Our expectation of gaining the command of the lakes, by the invasion of Canada from Detroit, having been disappointed, measures were instantly taken to provide on them a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object, every thing that can be done may be expected. Should the present season not admit of complete success, the progress made will ensure for the next a naval ascendancy, where it is essential to our permanent peace with, and control over the savages.

Among the incidents to the measures of the war, I am constrained to advert to the refusal of the governours of Massachusetts and Connecticut, to furnish the required detachments of militia towards the defence of the maritime frontier. The refusal was founded on a novel and unfortunate exposition of the provisions of the constitution relating to the militia. The correspondences which will be before you, contain the requisite information on the subject. It is obvious that if the authority of the United States to call into service and command the militia for the publick defence, can be thus frustrated, even in a state of declared war, and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it; and that the publick safety may have no other resource, than in those large and permanent military establishments which are forbidden by the principles of our free government, and against the necessity of which the militia were meant to be a constitutional bulwark.

On the coasts, and on the ocean, the war has been as successful as circumstances inseparable from its early stages could promise. Our publick ships and private cruisers, by their activity, and, where there was occasion, by their intrepidity, have made the enemy sensible of the difference

between a reciprocity of captures, and the long confinement of them to their side. Our trade, with little exception, has safely reached our ports ; having been much favoured in it by the course pursued by a squadron of our frigates, under the command of commodore Rodgers. And in the instance in which skill and bravery were more particularly tried with those of the enemy, the American flag had an auspicious triumph. The frigate Constitution, commanded by captain Hull, after a close and short engagement, completely disabled and captured a British frigate ; gaining for that officer and all on board a praise which cannot be too liberally bestowed ; not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents, which, giving to courage its highest character, and to the force applied its full effect, proved that more could have been done in a contest requiring more.

Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time, after it was declared, in conveying to the British government the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification. And our charge d'affaires at London was, at the same time, authorized to agree to an armistice founded upon them. These terms required that the orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules ; and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seamen of each nation from the ships of the other, should be stipulated ; and that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies. Although a repeal of the orders susceptible of explanations meeting the views of this government, had taken place before this pacifick advance was communicated to that of Great Britain, the advance was declined, from an avowed repugnance to a suspension of the practice of impressments during the armistice, and without any inti-

mation that the arrangement proposed with respect to seamen would be accepted. Whether the subsequent communications from this government, affording an occasion for re-considering the subject, on the part of Great Britain, will be viewed in a more favourable light, or received in a more accommodating spirit, remains to be known. It would be unwise to relax our measures, in any respect, on a presumption of such a result.

The documents from the department of state, which relate to this subject, will give a view also of the propositions for an armistice, which have been received here, one of them from the authorities at Halifax and in Canada, the other from the British government itself, through admiral Warren; and of the grounds on which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communications to you. Notwithstanding the authorized expectations of an early as well as favourable issue to the discussions on foot, these have been procrastinated to the latest date. The only intervening occurrence meriting attention, is the promulgation of a French decree, purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British orders in council, is rendered, by the time and manner of it, liable to many objections.

The final communications from our special minister to Denmark, afford further proofs of the good effects of his mission, and of the amicable disposition of the Danish government. From Russia we have the satisfaction to receive assurances of continued friendship, and that it will not be affected by the rupture between the United States and Great Britain. Sweden also professes sentiments favourable to the subsisting harmony.

With the Barbary powers, excepting that of Algiers, our affairs remain on the ordinary footing. The consul general, residing with that regency, has suddenly and without cause been banished, together with all the American citizens found there. Whether this was the transitory

effect of capricious despotism, or the first act of predetermined hostility, is not ascertained. Precautions were taken by the consul, on the latter supposition.

The Indian tribes, not under foreign instigations, remain at peace, and receive the civilizing attentions, which have proved so beneficial to them.

With a view to that vigorous prosecution of the war, to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the military establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied, during the campaign, by other than regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing, more favourably for the private soldier, the proportion between his recompense and the term of his enlistment. And it is a subject which cannot too soon or too seriously be taken into consideration.

The same insufficiency has been experienced in the provisions for volunteers made by an act of the last session. The recompense for the service required in this case, is still less attractive than in the other. And although patriotism alone has sent into the field some valuable corps of that description, those alone who can afford the sacrifice can be reasonably expected to yield to that impulse.

It will merit consideration also, whether, as auxiliary to the security of our frontiers, corps may not be advantageously organized, with a restriction of their services to particular districts convenient to them. And whether the local and occasional services of mariners and others in the sea-port towns, under a similar organization, would not be a provident addition to the means of their defence.

I recommend a provision for an increase of the general officers of the army, the deficiency of which has been illustrated by the number and distance of separate com-

mands, which the course of the war and the advantage of the service have required.

And I cannot press too strongly on the earliest attention of the legislature the importance of the reorganization of the staff establishment, with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success, in what appertains to the army and the war, is equally inculcated by the examples of other countries and by the experience of our own.

A revision of the militia laws for the purpose of rendering them more systematick, and better adapting them to emergencies of the war, is at this time particularly desirable.

Of the additional ships authorized to be fitted for service, two will be shortly ready to sail; a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for ship-building, the greater part has been applied to that object, and the purchase will be continued with the balance.

The enterprising spirit which has characterized our naval force, and its success both in restraining insults and depredations on our coasts, and in reprisals on the enemy, will not fail to recommend an enlargement of it.

There being reason to believe that the act prohibiting the acceptance of British licenses, is not a sufficient guard against the use of them for purposes favourable to the interests and views of the enemy; further provisions on that subject are highly important. Nor is it less so, that penal enactments should be provided for cases of corrupt and perfidious intercourse with the enemy, not amounting to treason, nor yet embraced by any statutory provisions.

A considerable number of American vessels, which were in England when the revocation of the orders in council took place, were laden with British manufactures, under an erroneous impression that the non-importation act would immediately cease to operate, and have arrived in the

United States. It did not appear proper to exercise, on unforeseen cases of such magnitude, the ordinary powers vested in the treasury department to mitigate forfeitures, without previously affording to Congress an opportunity of making on the subject such provision as they may think proper. In their decision they will doubtless equally consult what is due to equitable considerations and to the publick interest.

The receipts into the treasury, during the year ending on the 30th of September last, have exceeded sixteen millions and a half of dollars; which have been sufficient to defray all the demands on the treasury to that day, including a necessary reimbursement of near three millions of the principal of the publick debt. In these receipts is included a sum of near five millions eight hundred and fifty thousand dollars, received on account of the loans authorized by the acts of the last session: the whole sum actually obtained on loan amounts to eleven millions of dollars, the residue of which being receivable subsequent to the 30th of September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected importations of British manufactures, will render the revenue of the ensuing year more productive than could have been anticipated.

The situation of our country, fellow citizens, is not without its difficulties, though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation, we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are, nevertheless, equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged, is a war neither of ambition nor of vain glory; that it is waged, not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a pa-

tience without example, under wrongs accumulating without end; and that it was finally not declared until every hope of averting it was extinguished, by the transfer of the British sceptre into new hands clinging to former councils; and until declarations were reiterated to the last hour, through the British envoy here, that the hostile edicts against our commercial rights and our maritime independence, would not be revoked; nay, that they could not be revoked without violating the obligations of Great Britain to other powers, as well as to her own interests. To have shrunk, under such circumstances, from manly resistance, would have been a degradation blasting our best and proudest hopes: It would have struck us from the high rank where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged that on the element which forms three fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people, but colonists and vassals. It was at this moment, and with such an alternative, that war was chosen. The nation felt the necessity of it and called for it. The appeal was accordingly made, in a just cause, to the just and All-powerful being who holds in his hand the chain of events and the destiny of nations. It remains only, that faithful to ourselves, entangled in no connections with the views of other powers, and ever ready to accept peace from the hand of justice, we prosecute the war with united councils, and with the ample faculties of the nation, until peace be so obtained, and as the only means, under the divine blessing, of speedily obtaining it.

JAMES MADISON.

DOCUMENTS

ACCOMPANYING THE MESSAGE OF THE PRESIDENT OF THE
UNITED STATES TO CONGRESS. NOV. 4, 1812.

*Extract of a Letter from Mr. Monroe to Mr. Russell,
dated June 26, 1812.*

“ THIS letter is committed to Mr. Foster, who has promised to deliver it to you in safety.

On the 18th of this month a declaration of war against Great Britain passed Congress. I send you a copy of the act, of the President's message, and of the report of the committee of foreign relations, which brought the subject under consideration.

This measure has been produced by the continued aggressions of the British government on the rights of the United States, and the presumption arising from that and other facts, which it is unnecessary to recite, that no favourable change of policy might be expected from it. It was impossible for the United States to surrender their rights, by relinquishing the ground which they had taken, and it was equally incompatible with their interests and character to rely longer on measures which had failed to accomplish their objects. War was the only remaining alternative, and that fact being clearly ascertained, you will find by the documents transmitted, that it was adopted with decision.

As war has been resorted to by necessity, and of course with reluctance, this government looks forward to the restoration of peace, with much interest, and a sincere desire to promote it on conditions just, equal and honourable to both the parties. It is in the power of Great Britain to terminate the war on such conditions, and it would be very satisfactory to the President to meet it, in arrangements to that effect.

Although there are many just and weighty causes of complaint against Great Britain, you will perceive, by the

documents transmitted, that the orders in council, and other blockades, illegal, according to the principles lately acknowledged, and the impressment of our seamen, are considered to be of the highest importance. If the orders in council are repealed, and no illegal blockades are substituted to them, and orders are given to discontinue the impressment of seamen from our vessels, and to restore those already impressed, there is no reason why hostilities should not immediately cease. Securing these objects, you are authorized to stipulate an armistice, to commence from the signature of the instrument providing for it, or at the end of fifty or sixty days, or other the shortest term that the British government will assent to. Definitive arrangements will be made on these, and every other difference, by a treaty, to be concluded either here or at London, though it is much desired that the subject should be entered on in this city.

As an inducement to the British government to discontinue the practice of impressment from our vessels, you may give assurance that a law will be passed (to be reciprocal) to prohibit the employment of British seamen in the public or commercial service of the United States. There can be no doubt that such an arrangement would prove much more efficacious, in securing to Great Britain her seamen, than the practice to which it is proposed to be a substitute, independent of all the other objections to it.

Indemnity for injuries received, under the orders in council, and other edicts violating our rights, seems to be incident to their repeal; but the President is willing that the consideration of that claim should not be pressed at this time, so as to interfere with the preliminary arrangement alluded to. It will be proper to bring it into view merely to show that it is expected that provision will be made for it in the treaty which is to follow. Every other interest may also be provided for at the same time.

It is hoped that the British government will find it consistent with its interest and honour, to terminate the war by an armistice in the manner, and on the conditions proposed. In so doing, it will abandon no right, it will sacri-

face no interest ; it will abstain only from violating our rights, and, in return, it will restore peace with the power from whom, in a friendly commercial intercourse, so many advantages will be derived, not to mention the injuries which cannot fail to result from a prosecution of the war."

*Mr. Monroe to Mr. Russell, dated Department of State,
July 27, 1812.*

SIR,

I WROTE you on the 26th of June, by Mr. Foster, a letter, which he promised to deliver to you in person or by a safe hand.

In that letter you were informed that the orders in council, and other illegal blockades, and the impressment of our seamen by Great Britain, as you well knew before, were the principal causes of the war, and that if they were removed, you might stipulate an armistice, leaving them and all other grounds of difference for final and more precise adjustment by treaty. As an inducement to the British government to discontinue the practice of impressment from our vessels, by which alone our seamen can be made secure, you were authorized to stipulate a prohibition by law, to be reciprocal, of the employment of British seamen in the publick or commercial service of the United States. As such an arrangement, which might be made completely effectual and satisfactory by suitable regulations and penalties, would operate almost exclusively in favour of Great Britain ; for as few of our seamen ever enter voluntarily into the British service, the reciprocity would be nominal ; its advantage to Great Britain would be more than an equivalent for any she derives from impressment, which alone ought to induce her to abandon the practice, if she had no other motive for it. A stipulation to prohibit by law the employment of British seamen in the service of the United States, is to be understood in the sense and spirit of our constitution. The passage of such a law must depend of course on Congress, who it might reasonably be presumed would give effect to it.

By authorizing you to secure these objects as the grounds of an armistice, it was not intended to restrict you to any precise form in which it should be done. It is not particularly necessary that the several points should be specially provided for in the convention stipulating the armistice. A clear and distinct understanding with the British government on the subject of impressment, comprising in it the discharge of the men already impressed, and on future blockades, if the orders in council are revoked, is all that is indispensable. The orders in council being revoked, and the proposed understanding on the other points, that is, on blockades and impressment, being first obtained, in a manner, though informal, to admit of no mistake or disagreement hereafter, the instrument providing for the armistice may assume a general form, especially if more agreeable to the British government. It may for example be said in general terms, "that both powers being sincerely desirous to terminate the differences which unhappily subsist between them, and equally so, that full time should be given for the adjustment thereof, agree, 1st. That an armistice shall take place for that purpose, to commence on the day of

" 2d. That they will forthwith appoint on each side commissioners with full power to form a treaty, which shall provide, by reciprocal arrangements, for the security of their seamen from being taken or employed in the service of the other power, for the regulation of their commerce, and all other interesting questions now depending between them.

" 3d. The armistice shall not cease without a previous notice by one to the other party of days, and shall not be understood as having other effect than merely to suspend military operations by land and by sea."

By this you will perceive that the President is desirous of removing every obstacle to an accommodation, which consists merely of form. Securing in a safe and satisfactory manner the rights and interests of the United States in these two great and essential circumstances, as it is presumed may be accomplished by the proposed understand-

ing, he is willing that it be done in a manner the most satisfactory and honourable to Great Britain, as well as to the United States.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

*Mr. Graham to Mr. Russell, dated Department of State,
August 9, 1812.*

SIR,

THE secretary left this city about ten days ago on a short visit to Virginia. Since that period, Mr. Baker has, in consequence of some despatches from his government addressed to Mr. Foster, made to me a communication respecting the intentions of his government as regards the orders in council. It was of a character, however, so entirely informal and confidential that Mr. Baker did not feel himself at liberty to make it in the form of a note verbal or pro memoria, or even to permit me to take a memorandum of it at the time he made it. As it authorizes an expectation that something more precise and definite in an official form may soon be received by this government, it is the less necessary that I should go into an explanation of the views of the President in relation to it, more particularly as the secretary of state is daily expected, and will be able to do it in a manner more satisfactory.

I refer you to the enclosed papers for information as to the maritime and military movements incident to the war, and will add, that the President is anxious to know, as soon as possible, the result of the proposals you were authorized to make to the British government, respecting an armistice. He considers them so fair and reasonable, that he cannot but hope that they will be acceded to, and thus be the means of hastening an honourable and permanent peace. I have the honour, &c.

(Signed)

JOHN GRAHAM.

*Mr. Graham to Mr. Russell, dated Department of State,
August 10, 1812.*

SIR,

THINKING that it may possibly be useful to you, I do myself the honour to enclose a memorandum of the conversation between Mr. Baker and myself alluded to in my letter of yesterday's date. From a conversation with Mr. Baker since this memorandum was made, I find that I was correct in representing to the President that the intimation from Mr. Foster and the British authorities at Halifax was to be understood as connected with a suspension of hostilities on the frontiers of Canada.

I have the honour, &c.

JOHN GRAHAM.

(Memorandum referred to in the above letter.)

MR. BAKER verbally communicated to me for the information of the President, that he had received despatches from his government addressed to Mr. Foster, dated, I believe, about the 17th June, from which he was authorized to say, that an official declaration would be sent to this country, that the orders in council, so far as they affected the United States, would be repealed on the 1st August, to be revived on the 1st May, 1813, unless the conduct of the French government, and the result of the communications with the American government, should be such as in the opinion of his majesty to render their revival unnecessary. Mr. Baker moreover stated, that the orders would be revived, provided the American government did not, within fourteen days after they received the official declaration of their repeal, admit British armed vessels into their ports, and put an end to the restrictive measures which had grown out of the orders in council.

The despatches authorizing this communication to the American government expressly directed that it should be made verbally, and Mr. Baker did not consider himself at liberty to reduce it to writing, even in the form of a note

verbal, or pro memoria, or to suffer me to take a memorandum of his communication at the time he made it. I understood from him, that the despatches had been opened by Mr. Foster at Halifax, who, in consequence of a conversation he had had with vice-admiral Sawyer and sir John Sherbrooke, had authorized Mr. Baker to say that these gentlemen would agree, as a measure leading to a suspension of hostilities, that all captures made after a day to be fixed, should not be proceeded against immediately, but be detained to await the future decision of the two governments. Mr. Foster had not seen sir George Prevost, but had written to him by express, and did not doubt but that he would agree to an arrangement for the temporary suspension of hostilities. Mr. Baker also stated that he had received an authority from Mr. Foster to act as charge des affaires, provided the American government would receive him in that character for the purpose of enabling him officially to communicate the declaration which was to be expected from the British government. His functions to be understood of course as ceasing on the renewal of hostilities.

I replied, that although to so general and informal a communication, no answer might be necessary, and certainly no particular answer expected, yet, I was authorized to say, that the communication is received with sincere satisfaction, as it is hoped that the spirit in which it was authorized by his government may lead to such further communications as will open the way, not only for an early and satisfactory termination of existing hostilities, but to that entire adjustment of all the differences which produced them, and to that permanent peace and solid friendship which ought to be mutually desired by both countries, and which is sincerely desired by this. With this desire, an authority was given to Mr. Russell on the subject of an armistice as introductory to a final pacification, as has been made known to Mr. Foster, and the same desire will be felt on the receipt of the further and more particular communications which are shortly to be expected, with respect to the joint intimation from Mr. Foster and the

British authorities at Halifax on the subject of suspending judicial proceedings in the case of maritime captures, to be accompanied by a suspension of military operations. The authority given to Mr. Russell just alluded to, and of which Mr. Foster was the bearer, is full proof of the solicitude of the government of the United States to bring about a general suspension of hostilities on admissible terms, with as little delay as possible. It was not to be doubted, therefore, that any other practicable expedient for attaining a similar result would readily be concurred in. Upon the most favourable consideration, however, which could be given to the expedient suggested through him, it did not appear to be reducible to any practical shape to which the executive would be authorized to give it the necessary sanction; nor indeed is it probable that if it was less liable to insuperable difficulties, that it could have any material effect previous to the result of the pacifick advance made by this government, and which must, if favourably received, become operative as soon as any other arrangement that could now be made. It was stated to Mr. Baker that the President did not, under existing circumstances, consider Mr. Foster as vested with the power of appointing a charge des affaires; but that no difficulty in point of form would be made, as any authentick communication through him, or any other channel, would be received with attention and respect.

Extract of a Letter from the Secretary of State to Mr. Russell, dated Department of State, Aug. 21, 1812.

“ My last letter to you was of the 27th July, and was forwarded by the British packet, the *Althea*, under the special protection of Mr. Baker. The object of that letter, and of the next preceding one of the 26th of June, was, to invest you with power to suspend by an armistice, on such fair conditions as it was presumed could not be rejected, the operation of the war, which had been brought on the United States by the injustice and violence of the British government. At the moment of the declaration of war,

the President, regretting the necessity which produced it, looked to its termination and provided for it; and happy will it be for both countries, if the disposition felt, and the advance thus made on his part, are entertained and met by the British government in a similar spirit.

You have been informed by Mr. Graham of what passed in my late absence from the city, in an interview between Mr. Baker and him, in consequence of a despatch from the British government to Mr. Foster, received at Halifax, just before he sailed for England, and transmitted by him to Mr. Baker, relating to a proposed suspension or repeal of the British orders in council. You will have seen by the note forwarded to you by Mr. Graham, of Mr. Baker's communication to him, that Mr. Foster had authorized him to state, that the commanders of the British forces at Halifax would agree to a suspension, after a day to be fixed, of the condemnation of prizes to await the decision of both governments, without however, preventing captures on either side. It appears also, that Mr. Foster had promised to communicate with sir George Prevost, and to advise him to propose to our government an armistice.

Sir George Prevost has since proposed to general Dearborn, at the suggestion of Mr. Foster, a suspension of offensive operations by land, in a letter which was transmitted by the general to the secretary at war. A provisional agreement was entered into between general Dearborn and colonel Baynes, the British adjutant general, bearer of general Prevost's letter, that neither party should act offensively, before the decision of our government should be taken on the subject.

Since my return to Washington, the document alluded to in Mr. Foster's despatch, as finally decided on by the British government, has been handed to me by Mr. Baker, with a remark that its authenticity might be relied on. Mr. Baker added, that it was not improbable that the admiral at Halifax might agree likewise to a suspension of captures, though he did not profess or appear to be acquainted with his sentiments on that point.

On full consideration of all the circumstances which

merit attention, the President regrets that it is not in his power to accede to the proposed arrangement. The following are among the principal reasons which have produced this decision.

1. The President has no power to suspend judicial proceedings on prizes. A capture, if lawful, vests a right, over which he has no control. Nor could he prevent captures otherwise than by an indiscriminate recall of the commissions granted to our privateers, which he could not justify under existing circumstances.

2. The proposition is not made by the British government, nor is there any certainty that it would be approved by it. The proposed arrangement, if acceded to, might not be observed by the British officers themselves, if their government, in consequence of the war, should give them instructions of a different character, even if they were given without a knowledge of the arrangement.

3. No security is given, or proposed, as to the Indians, nor could any be relied on. They have engaged in the war, on the side of the British government, and are now prosecuting it with vigour, in their usual savage mode. They can only be restrained by force, when once let loose, and that force has already been ordered out for the purpose.

4. The proposition is not reciprocal, because it restrains the United States from acting where their power is greatest, and leaves Great Britain at liberty, and gives her time to augment her forces in our neighbourhood.

5. That as a principal object of the war is to obtain redress against the British practice of impressment, an agreement to suspend hostilities even before the British government is heard from on that subject, might be considered a relinquishment of that claim.

6. It is the more objectionable, and of the less importance, in consideration of the instructions heretofore given you, which, if met by the British government, may have already produced the same result in a greater extent and more satisfactory form.

I might add, that the declaration itself is objectionable

in many respects, particularly the following: 1. Because it asserts a right in the British government to restore the orders in council, or any part thereof, to their full effect on a principle of retaliation on France, under circumstances of which she alone is to judge; a right which this government cannot admit, especially in the extent heretofore claimed, and acted on by the British government.

2. That the repeal is founded exclusively on the French decree of 28th April, 1811, by which the repeal of the decrees of Berlin and Milan, announced on the 5th August, 1810, to take effect on the 1st of November, of that year, at which time their operation actually ceased, is disregarded, as are the claims of the United States arising from the repeal on that day, even according to the British pledge.

3. That even if the United States had no right to claim the repeal of the British orders in council prior to the French decree of the 28th of April, 1811, nor before the notification of that decree to the British government on the 20th of May, of the present year, the British repeal ought to have borne date from that day, and been subject to none of the limitations attached to it.

These remarks on the declaration of the prince regent, which are not pursued with rigour, nor in the full extent which they might be, are applicable to it, in relation to the state of things which existed before the determination of the United States to resist the aggressions of the British government by war. By that determination the relations between the two countries have been altogether changed, and it is only by a termination of the war, or by measures leading to it by consent of both governments, that its calamities can be closed or mitigated. It is not now a question whether the declaration of the prince regent is such as ought to have produced a repeal of the non-importation act, had war not been declared; because by the declaration of war, that question is superseded, and the non-importation act having been continued in force by Congress, and become a measure of war, and among the most efficient, it is no longer subject to the control of the executive in the sense, and for the purpose for which it was adopted.

The declaration, however, of the prince regent, will not be without effect. By repealing the orders in council without reviving the blockade of May, 1806, or any other illegal blockade, as is understood to be the case, it removes a great obstacle to an accommodation. The President considers it an indication of a disposition in the British government to accommodate the differences which subsist between the countries, and I am instructed to assure you, that if such disposition really exists, and is persevered in, and is extended to other objects, especially the important one of impressment, a durable and happy peace and reconciliation cannot fail to result from it."

Mr. Russell to Mr. Monroe. London, September 1, 1812.

SIR,

You will perceive by the enclosed copies of notes which have passed between lord Castlereagh and me, that the moderate and equitable terms proposed for a suspension of hostilities, have been rejected, and that it is my intention to return immediately to the United States.

My continuance here, after it has been so broadly intimated to me by his lordship that I am no longer acknowledged in my diplomatic capacity, and after a knowledge that instructions are given to the British admiral to negotiate an arrangement on the other side of the Atlantic, would, in my view of the subject, not only be useless, but improper.

It is probable, however, that the vessel in which I propose to embark, will not take her departure before the 15th or 20th of this month.

I have the honour to be, &c.

(Signed)

JONA. RUSSELL.

JAMES MONROE, Esq. &c.

Mr. Russell to Lord Castlereagh. London, August 24, 1812.

MY LORD,

It is only necessary, I trust, to call the attention of your lordship to a review of the conduct of the government of

the United States, to prove incontrovertibly its unceasing anxiety to maintain the relations of peace and friendship with great Britain. Its patience in suffering the many wrongs which it has received, and its perseverance in endeavouring by amicable means to obtain redress, are known to the world. Despairing, at length, of receiving this redress from the justice of the British government, to which it had so often applied in vain, and feeling that a further forbearance would be a virtual surrender of interests and rights essential to the prosperity and independence of the nation, confided to its protection, it has been compelled to discharge its high duty by an appeal to arms. While, however, it regards this course as the only one which remained for it to pursue with a hope of preserving any portion of that kind of character which constitutes the vital strength of every nation, yet it is still willing to give another proof of the spirit which has uniformly distinguished its proceedings, by seeking to arrest, on terms consistent with justice and honour, the calamities of war. It has, therefore, authorized me to stipulate with his Britannic majesty's government an armistice, to commence at or before the expiration of sixty days after the signature of the instrument providing for it, on condition that the orders in council be repealed, and no illegal blockades be substituted to them, and that orders be immediately given to discontinue the impressment of persons from American vessels, and to restore the citizens of the United States already impressed ; it being moreover well understood that the British government will assent to enter into definitive arrangements, as soon as may be, on these and every other difference, by a treaty to be concluded either at London or Washington, as, on an impartial consideration of existing circumstances, shall be deemed most expedient.

As an inducement to Great Britain to discontinue the practice of impressment from American vessels, I am authorized to give assurance that a law shall be passed (to be reciprocal) to prohibit the employment of British seamen in the publick or commercial service of the United States.

It is sincerely believed that such an arrangement would prove more efficacious in securing to Great Britain her seamen than the practice of impressment, so derogatory to the sovereign attributes of the United States and so incompatible with the personal rights of their citizens.

Your lordship will not be surprised that I have presented the revocation of the orders in council as a preliminary to the suspension of hostilities, when it is considered that the act of the British government of the 23d of June last, ordaining that revocation, is predicated on conditions, the performance of which is rendered impracticable by the change which is since known to have occurred in the relations between the two countries. It cannot now be expected that the government of the United States will, immediately on due notice of that act, revoke, or cause to be revoked, its acts, excluding from the waters and harbours of the United States all British armed vessels, and interdicting commercial intercourse with Great Britain. Such a procedure would necessarily involve consequences too unreasonable and extravagant to be, for a moment, presumed. The order in council of the 23d of June last will, therefore, according to its own terms, be null and of no effect, and a new act of the British government, adapted to existing circumstances, is obviously required for the effectual repeal of the orders in council, of which the United States complain.

The government of the United States considers indemnity for injuries received under the orders in council, and other edicts, violating the rights of the American nation, to be incident to their repeal, and it believes that satisfactory provision will be made in the definitive treaty, to be hereafter negotiated for this purpose.

The conditions now offered to the British government for the termination of the war by an armistice, as above stated, are so moderate and just in themselves, and so entirely consistent with its interest and honour, that a confident hope is indulged, that it will not hesitate to accept them. In so doing, it will abandon no right, it will sacrifice no interest; it will abstain only from violating the

rights of the United States, and, in return, it will restore peace with the power, from whom, in a friendly commercial intercourse, so many advantages are to be derived.

Your lordship is undoubtedly aware of the serious difficulties with which a prosecution of the war, even for a short period, must necessarily embarrass all future attempts at accommodation. Passions exasperated by injuries—alliances or conquests on terms which forbid their abandonment, will inevitably hereafter embitter and protract a contest which might now be so easily and happily terminated.

Deeply impressed with these truths, I cannot but persuade myself that his royal highness, the prince regent, will take into his early consideration the propositions, herein made on behalf of the United States, and decide on them in a spirit of conciliation and justice.

I have the honour to be, &c.

(Signed)

JONA. RUSSELL.

Lord Castlereagh to Mr. Russell. Foreign Office, August 29, 1812.

SIR,

ALTHOUGH the diplomatick relations between the two governments have been terminated by a declaration of war on the part of the United States, I have not hesitated under the peculiar circumstances of the case, and the authority under which you act, to submit to the prince regent the proposition contained in your letter of the 21th for a suspension of hostilities.

From the period at which your instructions must have been issued, it is obvious that this overture was determined upon by the government of the United States, in ignorance of the order in council of the 23d of June last, and, as you inform me that you are not at liberty to depart from the conditions set forth in your letter, it only remains for me to acquaint you that the prince regent feels himself under the necessity of declining to accede to the proposition therein contained, as being, on various grounds, absolutely inadmissible.

As soon as there was reason to apprehend that Mr. Foster's functions might have ceased in America, and that he might have been obliged to withdraw himself, in consequence of war being declared, from the United States, before the above mentioned order of the 23d of June, and the instructions consequent thereupon could have reached him, measures were taken for authorizing the British admiral on the American station to propose to the government of the United States an immediate and reciprocal revocation of all hostile orders, with the tender of giving full effect, in the event of hostilities being discontinued, to the provisions of the said order, upon the conditions therein specified.

From this statement you will perceive that the view you have taken of this part of the subject is incorrect ; and that in the present state of the relations between the two countries, the operation of the order of the 23d June can only be defeated by a refusal on the part of your government to desist from hostilities, or to comply with the conditions expressed in the said order.

Under the circumstances of your having no powers to negotiate, I must decline entering into a detailed discussion of the propositions which you have been directed to bring forward.

I cannot, however, refrain on one single point from expressing my surprise, namely, that as a condition preliminary even to a suspension of hostilities, the government of the United States should have thought fit to demand that the British government should desist from its ancient and accustomed practice of impressing British seamen from the merchant ships of a foreign state, simply on the assurance that a law shall hereafter be passed, to prohibit the employment of British seamen in the publick or commercial service of that state.

The British government now, as heretofore, is ready to receive from the government of the United States, and amicably to discuss, any proposition which professes to have in view either to check abuse in the exercise of the practice of impressment, or to accomplish, by means less liable to vexation, the object for which impressment has

hitherto been found necessary; but they cannot consent to suspend the exercise of a right upon which the naval strength of the empire mainly depends, until they are fully convinced that means can be devised, and will be adopted, by which the object to be obtained by the exercise of that right can be effectually secured.

I have the honour to be, &c.

(Signed)

CASTLEREAGH.

JONA. RUSSELL, Esq. &c. &c.

*Mr. Russell to Lord Castlereagh. 18 Bentick Street,
Sept. 1, 1812.*

MY LORD,

I HAVE learnt with much regret by your lordship's note, dated the 29th ultimo, which I did not receive until this morning, that the prince regent has thought proper to decline to accede to the proposition for a suspension of hostilities, contained in my note of the 24th of August.

It has been matter of surprise to me that my view with regard to the revocation of the orders in council, on the 23d of June last, should have been considered to have been incorrect, when it appears by your lordship's note that the British government itself has deemed it necessary to give powers to the British admiral to stipulate for its full effect, and thereby admitted that a new act was required for that purpose.

It now only remains for me to announce to your lordship that it is my intention to embark immediately at Plymouth on board the ship *Lark*, for the United States, and to request that permission may be granted, as soon as may be, for the embarkation of my servants, baggage, and the effects of this legation, and that the necessary passports may be furnished for my own and their safe conduct to that destination.

I avail myself of this occasion to apprise your lordship that I am authorized by the government of the United States to leave Reuben Gaunt Beasley, Esq. as its agent for prisoners of war in this country, and to desire that every necessary facility may be afforded him in the exer-

cise of that trust, by the British government. I have the honour to be, &c.

(Signed)

JONA. RUSSELL.

The Right Hon. Lord Castlereagh, &c.

Mr. Russell to Mr. Monroe. London, Sept. 3, 1812.

SIR,

I ENCLOSE herein a copy of a note received yesterday from lord Castlereagh, which will acquaint you that I have obtained my passports to return to the United States, and that Mr. Beasley is permitted to remain here as agent for prisoners of war.

Immediately on demanding my passports, I addressed to the consuls a circular, of which you will also find a copy enclosed.

The Swiftsure packet sailed on the 31st of last month from Falmouth for America, and it is very probable that she takes out instructions suggested by the overture made here, but there is no reason to believe that they can be of a nature to satisfy the United States.

I have the honour to be, &c.

(Signed)

JONA. RUSSELL.

Lord Castlereagh to Mr. Russell. Foreign Office, Sept. 2, 1812.

SIR,

I HAVE laid before his royal highness the prince regent, your letter of the 1st inst. in which you announce your intention to embark immediately at Plymouth on board the ship Lark, for the United States.

I have already had the honour of forwarding to you an admiralty order for the protection of that ship as a cartel, on her voyage to America; and I herewith enclose to you a passport for the free embarkation of yourself and family, in conformity to your request. The lords commissioners of his majesty's treasury will issue directions to the commissioners of the customs to give every facility to the embarkation of your effects.

If, previous to your departure from England, you can point out to me any particular manner in which I can facilitate your arrangements, I beg that you will command my services.

His royal highness has commanded me to signify to you, for the information of your government, that there will be no difficulty in allowing Mr. R. G. Beasley, as stated in your letter, to reside in this country as the United States' agent for prisoners of war.

I have the honour to be, &c. &c.

(Signed)

CASTLEREAGH.

Admiral Warren to the Secretary of State. Halifax, Nova Scotia, September 30, 1812.

SIR,

THE departure of Mr. Foster from America, has devolved upon me the charge of making known to you, for the information of the government of the United States, the sentiments entertained by his royal highness, the prince regent, upon the existing relations of the two countries.

You will observe from the enclosed copy of an order in council bearing date the 23d of June, 1812, that the orders in council of the 7th of January, 1807, and the 26th of April, 1809, ceased to exist nearly at the same time that the government of the United States declared war against his majesty.

Immediately on the receipt of this declaration in London, the order in council of which a copy is herewith enclosed to you, was issued on the 31st day of July, for the embargo and detention of all American ships.

Under these circumstances I am commanded to propose to your government the immediate cessation of hostilities between the two countries, and I shall be most happy to be the instrument of bringing about a reconciliation, so interesting and beneficial to America and Great Britain.

I therefore propose to you, that the government of the United States of America shall instantly recall their letters of marque and reprisal against British ships, together with

all orders and instructions for any acts of hostility whatever against the territories of his majesty or the persons or property of his subjects ; with the understanding that, immediately on my receiving from you an official assurance to that effect, I shall instruct all the officers under my command to desist from corresponding measures of war against the ships and property of the United States, and that I shall transmit without delay corresponding intelligence to the several parts of the world, where hostilities may have commenced ; the British commanders in which will be required to discontinue hostilities from the receipt of such notice.

Should the American government accede to the above proposal for terminating hostilities, I am authorized to arrange with you, as to the revocation of the laws which interdict the commerce and ships of war of Great Britain from the harbours and waters of the United States ; in default of which revocation within such reasonable periods as may be agreed upon, you will observe by the order of the 23d June, the orders in council of January, 1807, and April, 1809, are to be revived.

The officer who conveys this letter to the American coast has received my orders to put to sea immediately upon the delivery of this despatch to the competent authority ; and I earnestly recommend that no time may be lost in communicating to me the decision of your government, persuaded as I feel, that it cannot but be of a nature to lead to a speedy termination of the present differences.

The flag of truce which you may charge with your reply, will find one of my cruisers at Sandy Hook ten days after the landing of this despatch, which I have directed to call there with a flag of truce for that purpose.

I have the honour to be, &c.

(Signed)

JOHN BORLASE WARREN,

*Admiral of the Blue and Commander
in Chief, &c. &c. &c.*

*The Secretary of State to Admiral Warren. Department
of State, October 27, 1812.*

SIR,

I HAVE had the honour to receive your letter of the 30th ultimo, and to submit it to the consideration of the President.

It appears that you are authorized to propose a cessation of hostilities between the United States and Great Britain, on the ground of the repeal of the orders in council, and in case the proposition is acceded to, to take measures in concert with this government to carry it into complete effect on both sides.

You state also, that you have it in charge, in that event, to enter into an arrangement with the government of the United States for the repeal of the laws which interdict the ships of war, and the commerce of Great Britain, from the harbours and waters of the United States. And you intimate that if the proposition is not acceded to, the orders in council, repealed conditionally by that of the 23d June last, will be revived against the commerce of the United States.

I am instructed to inform you that it will be very satisfactory to the President to meet the British government in such arrangements as may terminate, without delay, the hostilities which now exist between the United States and Great Britain, on conditions honourable to both nations.

At the moment of the declaration of war, the President gave a signal proof of the attachment of the United States to peace. Instructions were given, at that early period, to the late charge des affaires of the United States at London, to propose to the British government an armistice on conditions which it was presumed would have been satisfactory. It has been seen with regret that the proposition made by Mr. Russell, particularly in regard to the important interest of impressment, was rejected, and that none was offered, through that channel, as a basis on which hostilities might cease.

As your government has authorized you to propose a

cessation of hostilities, and is doubtless aware of the important and salutary effect which a satisfactory adjustment of this difference cannot fail to have on the future relations between the two countries, I indulge the hope that it has, ere this, given you full power for the purpose. Experience has evinced that no peace can be durable unless this object is provided for. It is presumed, therefore, that it is equally the interest of both countries to adjust it at this time.

Without farther discussing questions of right, the President is desirous to provide a remedy for the evils complained of on both sides. The claim of the British government is to take from the merchant vessels of other countries British subjects. In the practice, the commanders of British ships of war often take from the merchant vessels of the United States, American citizens. If the United States prohibit the employment of British subjects in their service, and enforce the prohibition by suitable regulations and penalties, the motive for the practice is taken away. It is in this mode that the President is willing to accommodate this important controversy with the British government, and it cannot be conceived on what ground the arrangement can be refused.

A suspension of the practice of impressment, pending the armistice, seems to be a necessary consequence. It cannot be presumed, while the parties are engaged in a negotiation to adjust amicably this important difference, that the United States would admit the right, or acquiesce in the practice of the opposite party, or that Great Britain would be unwilling to restrain her cruisers from a practice which would have the strongest tendency to defeat the negotiation. It is presumable that both parties would enter into the negotiation with a sincere desire to give it effect. For this purpose it is necessary that a clear and distinct understanding be first obtained between them, of the accommodation which each is prepared to make. If the British government is willing to suspend the practice of impressment from American vessels, on consideration that the United States will exclude British seamen from their ser-

vice, the regulations by which this compromise should be carried into effect would be solely the object of negotiation. The armistice would be of short duration. If the parties agreed, peace would be the result. If the negotiation failed, each would be restored to its former state, and to all its pretensions by recurring to war.

Lord Castlereagh, in his note to Mr. Russell, seems to have supposed that had the British government accepted the proposition made to it, Great Britain would have suspended, immediately, the exercise of a right, on the mere assurance of this government that a law would be afterwards passed to prohibit the employment of British seamen in the service of the United States, and that Great Britain would have no agency in the regulations to give effect to that prohibition. Such an idea was not in the contemplation of this government, nor is it to be reasonably inferred from Mr. Russell's note. Lest, however, by possibility such an inference might be drawn from the instructions to Mr. Russell, and anxious that there should be no misunderstanding in the case, subsequent instructions were given to Mr. Russell, with a view to obviate every objection of the kind alluded to. As they bear date on the 27th of July, and were forwarded by the British packet *Althea*, it is more than probable that they may have been received and acted on.

I am happy to explain to you thus fully the views of my government on this important subject. The President desires that the war which exists between our countries should be terminated on such conditions as may secure a solid and durable peace. To accomplish this great object it is necessary that the interest of impressment be satisfactorily arranged. He is willing that Great Britain should be secured against the evils of which she complains. He seeks on the other hand, that the citizens of the United States should be protected against a practice, which, while it degrades the nation, deprives them of their rights as freemen, takes them by force from their families and their country into a foreign service to fight the battles of a foreign power, perhaps against their own kindred and country.

I abstain from entering, in this communication, into other grounds of difference. The orders in council having been repealed, with a reservation not impairing a corresponding right on the part of the United States, and no illegal blockades, revived or instituted in their stead, and an understanding being obtained on the subject of impressment, in the mode herein proposed, the President is willing to agree to a cessation of hostilities, with a view to arrange by treaty, in a more distinct and ample manner, and to the satisfaction of both parties, every other subject of controversy.

I will only add that if there be no objection to an accommodation of the difference relating to impressment in the mode proposed other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding without the armistice, to an immediate discussion and arrangement of an article on that subject. This great question being satisfactorily adjusted, the way will be open for an armistice, or any other course leading most conveniently and expeditiously to a general pacification. I have the honour, &c.

(Signed)

JAMES MONROE.

Mr. Russell to Mr. Monroe. London, May 25, 1812.

SIR,

I HAVE the honour to hand you herein a copy of my note of the 20th of this month, communicating to lord Castlereagh a decree of the French government, dated the 28th of February, 1811, and of two letters of the French ministers of the 25th of December, 1810. I also send you copies of that decree, and of a note from his lordship acknowledging the receipt of my communication, and engaging to submit the documents above mentioned to his royal highness the prince regent.

I have the honour, &c.

(Signed)

JONA. RUSSELL:

The Hon. JAMES MONROE, &c.

Mr. Russell to Lord Castlereagh.

THE undersigned, charge d'affaires of the United States of America, has the honour to transmit to lord Castlereagh authentick copies of a decree purporting to be passed by the emperour of the French on the 28th of April, 1811, of a letter addressed by the French minister of finance to the director general of the customs on the 28th December, 1810, and of another letter of the same date from the French minister of justice to the president of the council of prizes.

As these acts explicitly recognise the revocation of the Berlin and Milan decrees, in relation to the United States, and distinctly make this revocation to take effect from the 1st November, 1810, the undersigned cannot but persuade himself that they will, in the official and authentick form in which they are now presented to his Britannic majesty's government, remove all doubt with respect to the revocation in question, and, joined with all the powerful considerations of justice and expediency so often suggested, lead to like repeal of the British orders in council, and thereby to a renewal of that perfect amity and unrestricted intercourse between this country and the United States, which the obvious interests of both nations require.

The undersigned avails himself, &c.

JONA. RUSSELL.

18, Bentick-st. May 20, 1812.

[TRANSLATION.]

Palace of St. Cloud, April 28, 1811.

NAPOLEON, EMPEROUR OF THE FRENCH, &c. &c.

ON the report of our minister of foreign relations :

Seeing by a law passed on the 2d March, 1811, the Congress of the United States has ordered the execution of the provisions of the act of non-intercourse which prohibits the vessels and merchandise of Great Britain, her colonies and dependencies, from entering into the ports of the United States.

Considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the British orders in council, and a formal refusal to adhere to a system invading the independence of neutral powers and of their flag; we have ordered and do decree as follows:

The decrees of Berlin and Milan are definitively, and to date from 1st November last, considered as not existing in regard to American vessels.

(Signed) **NAPOLEON.**

By the emperor, the minister secretary of state.

(Signed) **THE COUNT DARA.**

Lord Castlereagh to Mr. Russell. Foreign Office, May 23, 1812.

LORD CASTLEREAGH presents his compliments to Mr. Russell, and has the honour to acknowledge the receipt of his official note of 20th instant, transmitting copies of two official letters of the French ministers, and of a decree of the French government, bearing date the 28th of April, 1811. Lord Castlereagh will immediately lay these documents before his royal highness the prince regent, and avails himself of this opportunity to renew to Mr. Russell the assurances of his high consideration.

JONATHAN RUSSELL, Esq. &c.

Mr. Russell to the Secretary of State. London, June 26, 1812.

SIR,

I HAVE the honour to hand to you herein, an order of council of the 23d of this month, revoking the orders in council of the 7th of January, 1807, and of the 26th of April, 1809.

To this decree I have added copies of two notes of the same date from lord Castlereagh, accompanying the communication of it to me, and also a copy of my answer.

With great respect and consideration, I am, &c.

(Signed) **JONATHAN RUSSELL.**

At the Court at Carlton House, June 23, 1812, present his Royal Highness the Prince Regent, in Council.

WHEREAS his royal highness, the prince regent, was pleased to declare, in the name and on the behalf of his majesty, on the 21st day of April, 1812, "that if at any time hereafter the Berlin and Milan decrees shall, by some authentick act of the French government, publickly promulgated, be absolutely and unconditionally repealed, then and from thenceforth the order in council of the 7th of January, 1807, and the order in council of the 26th of April, 1809, shall, without any further order, be, and the same are hereby declared from thenceforth to be wholly and absolutely revoked.

And whereas the charge des affaires of the United States of America, resident at this court, did, on the 20th day of May last, transmit to lord viscount Castlereagh, one of his majesty's principal secretaries of state, a copy of a certain instrument then for the first time communicated to this court, purporting to be a decree passed by the government of France on the 28th day of April, 1811, by which the decrees of Berlin and Milan are declared to be definitively no longer in force in regard to American vessels.

And whereas his royal highness, the prince regent, although he cannot consider the tenour of the said instrument as satisfying the conditions set forth in the said order of the 21st day of April last, upon which the said orders were to cease and determine, is nevertheless disposed on his part to take such measures as may tend to re-establish the intercourse between neutral and belligerent nations upon its accustomed principles. His royal highness the prince regent, in the name and on the behalf of his majesty, is therefore pleased, by and with the advice of his majesty's privy council, to order and declare, and it is hereby ordered and declared, that the order in council bearing date the 7th day of January, 1807, and the order in council bearing date the 26th day of April, 1809, be revoked, so far as may regard American vessels, and their

cargoes being American property, from the 1st day of August next.

But whereas by certain acts of the government of the United States of America, all British armed vessels are excluded from the harbours and waters of the said United States, the armed vessels of France being permitted to enter therein, and the commercial intercourse between Great Britain and the said United States is interdicted, the commercial intercourse between France and the said United States having been restored, his royal highness the prince regent is pleased hereby further to declare, in the name and on the behalf of his majesty, that if the government of the said United States shall not, as soon as may be, after this order shall have been duly notified by his majesty's minister in America to the said government, revoke or cause to be revoked the said acts, this present order shall in that case, after due notice signified by his majesty's minister in America to the said government, be thenceforth null and of no effect.

It is further ordered and declared, that all American vessels, and their cargoes being American property, that shall have been captured subsequently to the 20th day of May last, for a breach of the aforesaid orders in council alone, and which shall not have been actually condemned before the date of this order, and that all ships and cargoes as aforesaid, that shall henceforth be captured under the said orders prior to the first day of August next, shall not be proceeded against to condemnation till further orders; but shall, in the event of this order not becoming null and of no effect, in the case aforesaid, be forthwith liberated and restored, subject to such reasonable expenses on the part of the captors as shall have been justly incurred.

Provided that nothing in this order contained, respecting the revocation of the orders herein mentioned, shall be taken to revive wholly or in part the orders in council of the 11th of November, 1807, or any other order not herein mentioned, or to deprive parties of any legal remedy to which they may be entitled under the order in council of the 21st April, 1812.

His royal highness is hereby pleased further to declare, in the name and on the behalf of his majesty, that nothing in this present order contained shall be understood to preclude his royal highness the prince regent, if circumstances shall so require, from restoring, after reasonable notice, the orders of the 7th of January, 1807, and 26th of April, 1809, or any part thereof, to their full effect, or from taking such other measures of retaliation against the enemy as may appear to his royal highness to be just and necessary.

And the right honourable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judge of the high court of admiralty, and the judges of the courts of vice-admiralty, are to take the necessary measures herein, as to them may respectively appertain.

JAMES BULLER.

Lord Castlereagh to Mr. Russell. Foreign Office, June 23, 1812.

SIR,

I AM commanded by the prince regent to transmit to you for your information, the enclosed printed copy of an order in council which his royal highness, acting in the name and on the behalf of his majesty, was this day pleased to issue, for the revocation (on the conditions therein specified) of the orders in council of the 17th January, 1807, and of the 26th of April, 1809, so far as may regard American vessels and their cargoes, being American property, from the 1st August next.

I have the honour to be, &c.

(Signed)

CASTLEREAGH.

Lord Castlereagh to Mr. Russell. Foreign Office, June 23, 1812.

SIR,

IN communicating to your government the order in council of this date, revoking (under certain conditions therein specified) those of January 7th, and of April 26th, 1809, I am to request that you will at the same time acquaint them, that the prince regent's ministers have taken the earliest opportunity, after the resumption of the govern-

ment, to advise his royal highness to the adoption of a measure grounded upon the document communicated by you to this office on the 20th ultimo; and his royal highness hopes that this proceeding, on the part of the British government, may accelerate a good understanding on all points of difference between the two states.

I shall be happy to have the honour of seeing you at the foreign office at 2 o'clock to-morrow; and beg to apprise you that one of his majesty's vessels will sail for America with the despatches of the government in the course of the present week. I have the honour to be, &c.

(Signed)

CASTLEREAGH.

*Mr. Russell to Lord Castlereagh. 18, Bentinck street,
June 26, 1812.*

MY LORD,

I HAVE the honour to acknowledge the receipt of the two notes addressed to me by your lordship on the 23d of this month, enclosing an order in council, issued that day by his royal highness the prince regent, acting in the name and on the behalf of his Britannic majesty, for the revocation (on the conditions therein specified) of the orders in council of the 7th of January, 1807, and of the 26th of April, 1809, so far as may regard American vessels and their cargoes, being American property, from the first of August next.

In communicating this document to my government, I shall, with much satisfaction, accompany it with the hopes which you state to be entertained by his royal highness the prince regent, that it may accelerate a good understanding on all points of difference between the two states. I am the more encouraged to believe that these hopes will not be disappointed, from the assurance which your lordship was pleased to give me, in the conversation of this morning, that, in the opinion of your lordship, the blockade of the 16th of May, 1806, had been merged in the orders in council, now revoked, and extinguished with them; and that no condition contained in the order of the 23d instant, is to be interpreted to restrain the government of the United States

from the exercise of its right to exclude British armed vessels from the harbours and waters of the United States, whenever there shall be special and sufficient cause for so doing, or whenever such exclusion shall, from a general policy, be extended to the armed vessels of the enemies of Great Britain. This assurance I am happy to consider as evidence of a conciliatory spirit, which will afford on every other point of difference an explanation equally frank and satisfactory. I am, &c.

(Signed)

JONA. RUSSELL.

Mr. Russell to the Secretary of State. London, July 2, 1812.

SIR,

I AVAIL myself of the opportunity afforded by the British packet, to transmit to you a copy of a note from lord Castlereagh, of the 29th ultimo, which I trust will put at rest the blockade of 1806.

I acknowledged the receipt of this note, as you will observe by the enclosed copy of my reply, without a comment.

I did not think it useful to enter into a discussion at this moment concerning the legality of that blockade, which, as no new doctrine appears to be assumed, is made to depend on the fact, the application of an adequate force.

In like manner I have forborne to notice his lordship's observations concerning the exclusion, from our ports, of British vessels of war. As such exclusion is required to accord with the obligations of strict neutrality only, the conduct and character of the government of the United States furnish security against any question arising on that subject. I have the honour to be, &c.

(Signed)

JONA. RUSSELL.

Lord Castlereagh to Mr. Russell. Foreign Office, June 29, 1812.

LORD CASTLEREAGH has the honour to acknowledge the receipt of Mr. Russell's communication of the 26th inst.

That no mistake may prevail upon the explanation given in conversation by lord Castlereagh to Mr. Russell, on the

two points referred to in Mr. Russell's letter. lord Castlereagh begs leave to re-state to Mr. Russell, with respect to the blockade of May, 1806, that, in point of fact, this particular blockade has been discontinued for a length of time; the general retaliatory blockade of the enemy's ports, established under the orders in council, of November, 1807, having rendered the enforcement of it by his majesty's ships of war no longer necessary; and that his majesty's government have no intention of recurring to this or to any other blockades of the enemy's ports, founded upon the ordinary and accustomed principles of maritime law, which were in force previous to the order in council, without a new notice to neutral powers in the usual forms.

With respect to the provision of the order of the 23d instant, which refers to the admission of British ships of war into the harbours and waters of the United States, lord Castlereagh informs Mr. Russell, that this claim is made in consequence of his majesty's ships being now excluded, whilst those of the enemy are admitted. It is the partial admission of one of the belligerents of which Great Britain feels herself entitled to complain, as a preference in favour of the enemy, incompatible with the obligations of strict neutrality. Were the exclusion general, the British government would consider such a measure, on the part of America, as matter of discussion between the two states, but not as an act of partiality of which they had in the first instance a right to complain.

Lord Castlereagh avails himself of this opportunity to renew to Mr. Russell the assurances of his high consideration.

*Mr. Russell to Lord Castlereagh. 18, Bentinck Street,
July 1, 1812.*

MR. RUSSELL has the honour to acknowledge the receipt of the note of lord Castlereagh, dated the 29th ultimo, containing explanations relative to the two points referred to in Mr. Russell's note of the 26th of that month, and will

take the earliest opportunity of communicating it to his government.

Mr. Russell begs leave to avail himself of this occasion to repeat to lord Castlereagh the assurances of his high consideration.

No. 16.

Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, April 12, 1812.

SIR,

My last despatch upon general business was No. 12. I therein mentioned the case of the "Jane Maria," which had been cut out of the port of Swinemunde by a French privateer. Subsequent to the date of that despatch the captain arrived, but in the intermediate time a Frenchman had been put on board as a guard, and this became an obstacle to her departure. My correspondence with Mr. de Rosenkrantz on this affair is herewith submitted, viz. No. 1, December 10th; No. 2, January 11th; No. 3, January 15th; No. 4, January 15th; No. 5, January 16th, of the enclosures. I understand that one of the crew of the "Jane Maria" has appeared before a notary, and sworn that whilst the vessel lay at Swinemunde she had communication with the English, and was to have gone under their convoy. Should this declaration prove to be correct, yet I presume that she cannot therefore be condemned. The French minister does not however find himself authorized to release her, but he momentarily expects orders from his government on the subject. The papers of the vessel are in my possession.

In my despatch No. 10, I mentioned that of the cases which were pending on my arrival in Copenhagen, the "Minerva Smith," Mann, only remained to be adjudged, and that I had sought to delay it for the purpose of procuring, and in the hope of introducing before the tribunal some further evidence. A part of the evidence to which I referred was soon afterwards received from England, and laid before the minister of state in a note of December

13th ; a copy (No. 6) is enclosed, as it serves to explain the peculiar difficulties under which this, a property of very great value, was placed. No change having been produced by this representation in the opinion of the high court, I obtained that the case should be laid before the Danish chancery ; and the report of that body not being sufficiently full and satisfactory, the case was transferred to the Sleswic Holstein chancery, (on the king's own suggestion) as Kiel, where the vessel was taken, being within the jurisdiction of that chancery, the affair was not properly cognizable by the Danish chancery. These various operations consumed a great deal of time ; but finally towards the latter end of February the Sleswic Holstein chancery produced a very laborious and voluminous report in favour of the case, pursuant to which his majesty ordered the high court to pass sentence of acquittal.

With my aforementioned despatch, No. 10, was transmitted copy of a note to Mr. de Rosenkrantz, (of Sept. 28) respecting the then pending cases generally. Still further to promote the object of it I again addressed him on Nov. 3d, and in the progress of the business perceiving that the high court had lost nothing of its disposition to condemn, and had actually determined to sacrifice one of the clearest cases in the whole list, (the " Brutus ") on the 13th December, I thought it necessary to require that its proceedings should be arrested, and its opinions submitted to the king through his chancery ; (those two notes are Nos. 7 and 8 of the enclosed ;) the necessary order was immediately given, and thus two or three cases were saved from condemnation. But though the report of the chancery on the case of the " Brutus " was favourable, that vessel was finally condemned ; the particular circumstances of her case will be seen in my note to Mr. de Rosenkrantz of April 10th, and the sentence of the tribunal (Nos. 7 B and 8 B) of the enclosed papers.

At the date of said despatch No. 10, there were ten cases depending, exclusive of French captures, and inclusive of the " Hannah " and " Two Generals," double captures, as appears by the list which was therewith trans-

mitted. In despatch No. 11, I mentioned the release of the "Horace" and "Augustus," two of the list, so that there were at that time only six cases of simple capture depending. I have now the satisfaction of informing you that the whole of these have been acquitted, the "Brutus" as above mentioned only excepted. The "Hannah" and "Two Generals," must, I fear, be determined in Paris. The French government has proposed to the Danish, that without reference to these questions of jurisdiction which have always been found so difficult to arrange to the satisfaction of all parties, the simple rule shall be adopted of determining the question of prize in the tribunals of the country to which the captor may belong, in all cases where he may possess himself of the captured vessel's papers. This proposition has not been, nor do I believe that it will be, acceded to by the Danish government; yet, sir, you will readily perceive that if the French government should persist, there can be very little expectation of our obtaining from this, the release of a vessel which may have been condemned by the council of prizes. There is even some reason to apprehend that it will so persist, since the French consul has now received orders from the minister of marine to transmit to Paris the papers of the ship "Olive Branch," which, as mentioned in my despatch No. 12, was seized under the very guns of the fort of Nyborg; and this case is peculiarly strong, since the "Olive Branch" had his Danish majesty's license on board. But I must in this place also mention that my correspondence with Mr. Desaugiers (lately French charge d'affaires here) which was submitted to you with despatch No. 8, having been also submitted to his government, he is now answered by the duke of Bassano, in terms strongly reprehending the excesses of the corsairs in general, and particularly reproving their practice of hoisting the French flag on board the vessels captured, of which he strictly forbids the recurrence.

The "Rachel," "Rover" and "Packet," three vessels (on the pending lists heretofore transmitted) which have been released, being partly laden with "colonial produce,"

were, pursuant to the established regulations with regard to vessels so laden, ordered to quit the port and to proceed on their voyages; the French privateers were then watching for and would infallibly have captured them on their departure. The copies herewith enclosed, viz. my notes to Mr. de Rosenkrantz of November 27, 28, and 29, (Nos. 9, 10, and 11) Mr. de Rosenkrantz his unofficial note of December 1st, (No. 12) my reply of same date (No. 13) Mr. de Rosenkrantz his official note of December 2d, (No. 14) relate to this matter, which you will be pleased to observe was very satisfactorily settled.

The last list of vessels which had passed this way was dated October 9: since then a few scattered vessels have presented themselves, viz.

The "Dolphin," Latham, "America," Briggs, from Petersburg to the United States, passed without interruption.

"Ann," How, arrived safely at Christiansand.

"Sally," Brown, turned away from Amsterdam by the English, continued her voyage towards this place, and was wrecked on the coast of Jutland.

"Adriana," Abrahams, of Baltimore, belonging to Smith, and Co. with a cargo of hides convoyed by the Danes from Gottenburg to Copenhagen, (having Danish license) cargo sold in Copenhagen and reconvoyed to Elsinour.

"Columbia," Jeunison, (owners unknown) from St. Ubes with salt, much under the same circumstances.

"Swanwick," Clark, with a cargo of tobacco, property of Pratt and Kintzing of Philadelphia, do. do.

"Asia," Ormsby, (Brown and Ives of Providence) with 3500 chests of tea arrived at Gottenburg some months since, in her voyage from thence to Copenhagen, captured by a Danish privateer, but immediately released, having the king's permission to come hither and sell.

This completes the account of our trade for the last year as far as particulars have come to my knowledge. In my despatch No. 12, I transmitted certain statements relating to that trade; triplicate of those statements were sent with No. 14, with the addition of a printed tariff of

the duties payable on all merchandise passing through the Sound: a duplicate of the tariff is herewith enclosed. I have lately seen a printed statement of our exports from Petersburg during the last year made by a commercial house of that place. It agrees in general with the document No. 3, enclosed with my aforesaid despatch. It is however more complete as to the number of vessels, including all those which went up through the Belt, and gives a total of 127 (noting that in 1810 the total was 100 only) but states that 29 of the 127 were bound to European ports, having as part of their cargoes 23615 *poods of flax*! Most of these 29 probably returned through the Belt; such as passed the Sound must have had false clearances. In the course of judicial investigations the Danes have already discovered, as is supposed, sufficient grounds for distrusting the character of our commerce: such printed information from what is called a "respectable American house" at Petersburg, recommending itself to its correspondents by this species of industry, cannot fail to augment that distrust.

All the old and new cases being now disposed of, I herewith enclose a table (No. 19) bringing the whole of them and the proceedings which have been had on them into one view. I beg you, sir, to observe, that of 38 cases of Danish capture ON THE LIST OF 1811, there have been only three appeals of the captors against the sentences of acquittal given by the inferior tribunal, so little have been their expectations of procuring final condemnations, and that excepting the three English and English license cases ("President," "Neptune," and "Aurora,") there has been but one final condemnation, viz. the "Brutus."

I hope that upon the whole this view will be satisfactory to the President. Mr. de Rosenkrantz told me in an early interview that the administration of justice was as impartial and as prompt here as in any other country; he added (referring to the dispositions of the king) that in future we should have nothing to complain of. How far his assertion was correct, or his promise has been complied with, I will not presume to determine; but I must do that

minister the justice to say, that he spoke with perfect sincerity, and under impressions the most just and friendly, and to believe that where the results fall short of our expectations, it has not been from any failure of those dispositions.

I have taken occasion in former despatches to mention, and in frequent representations to Mr. de Rosenkrantz, to remonstrate against the practices of fining and taxing vessels acquitted in the tribunals. These practices, nearly indiscriminate as they are, I found to be quite unreasonable, in their application frequently most unjust; yet after all, for the amount of the exactions, they are not oppressive, perhaps had they been abolished altogether we might not have had quite so many vessels captured; there would certainly have been more appeals and might have been more condemnations. The lists herewith enclosed (paper marked No 20) show the sums which the cases have been charged under the several heads of costs, fines, and two per mille tax in the tribunals of Copenhagen: the two per mille goes to the king's coffer; the fine goes to the captor, for his trouble in capturing where he is supposed to have had just grounds of suspicion; the court expenses are invariably forty rix dollars (equal to five and a half dollars) in each case. There are no other expenses but advocate's fees: here, as in all countries, the amount of these is settled by agreement between the council and the client; in the inferiour tribunal no advocate is employed.

The situation of the masters of our vessels condemned here was formerly made the more distressing by the prosecutions to which they were exposed on account of wages due to their sailors, the laws here compelling them to provide for their crews: these laws had been executed with great rigour, and large sums had been frequently adjudged to be paid by masters who could scarcely find credit for their own subsistence. The consul had, by frequent representations, endeavoured to remedy this evil, but without success. When I came to act in this matter I was answered, that if the master deceived the men by engaging them in a vessel which was not in fact American as

he pretended, it was but just that he should pay them, his sufferings then were chargeable only to his own misconduct : however, I finally obtained that it should be laid before the chancery ; that tribunal, by a report of January 11, adopted by his majesty, decreed that “ no law suit regarding the wages due to North American mariners from their captains shall be admitted before the tribunals.” I did not succeed in obtaining payment for the men out of the condemned vessel, but on this point thought it not prudent to go far. I have the honour to be, &c.

GEORGE W. ERVING.

Mr. MONROE, Secretary of State.

No. 7. B.

Mr. Erving to Mr. de Rosenkrantz. Copenhagen, April 10, 1812.

SIR,

IN one of the first interviews which I had with your excellency, you assured me, on the part of his majesty, “ *That for the future the United States should have nothing to complain of.*” Fully relying then on the good faith and friendly sentiment in which this declaration was made, to those favourable dispositions of his majesty I have addressed all my subsequent reclamations; and the reports which I have, from time to time, submitted to my government, have corresponded to the harmony thus established in our proceedings. Judge then, sir, with what extreme concern and regret I now find myself under the necessity of protesting and reclaiming against a sentence of the high court of admiralty, grounded on the king’s own decision, against the American ship *Brutus* and her cargo, the genuine property of American citizens, in favour of which I have been for several months negotiating with your excellency; respecting which I have furnished documentary evidence of great importance, and the circumstances of which I was so fully authorized to consider as peculiarly favourable : judge, sir, of the concern with which I see, in the sentence now given, that the reclamation which I have made in this case, has been passed over ; the docu-

ments which I have furnished have been set aside, and that grounds for condemnation have been assumed, wholly insufficient, and, in part, even contrary to facts as established by those documents. I am perfectly certain that his majesty does not believe that I am capable of attempting to support any cause but the just cause of a genuine American citizen, nor shall I readily abandon the conviction that he is still actuated by the just and friendly dispositions which motivated the declaration above cited: hence I must presume that the misrepresentations which have been made to him, and the influence which has been produced in his mind, on the present occasion, are of a very extraordinary character. This conclusion is the more unavoidable, since, certainly, I have long since succeeded in convincing your excellency, who has such high and indisputable title to the entire confidence of his majesty, that the cause of the Brutus is a just one; nor can I in this view fail to notice that the opinion of the chancery was in its favour; that there was a division of opinion amongst the members of the high court, and that the vessel was fully acquitted by the inferior court in Norway. By my note of December 13, 1811, I furnished to your excellency proofs that the captor's appeal from that sentence had been made only because the American captain (Fenno) refused to pay 6,000 rix dollars by way of compromise, and this complaint having been laid, by his majesty's order, before, and having been duly investigated by, the chancery, was deemed to be so well founded and so reasonable, that a new and severe law upon that subject was judged to be expedient. This is, in fine, the only case which has come before the king wherein he has decided unfavourably against a prior sentence of acquittal by one of his tribunals; and it is the only case, as far as I know, wherein, a difference of opinion amongst the members of the high court existing, he has not decided in favour of the claimant. To the just and liberal principles which actuated his majesty on such occasions, in this case was added that, which even in default of other favourable circumstances, it was to be supposed could not but determine him to release the vessel—the

offer on the part of the captors, and the refusal on the part of the American captain to compromise ; for what stronger presumption can be furnished against the justice of the captor's claim than their offer to compromise it for a small sum, or what more favourable to a belief in the American captain's innocence than his refusal to pay that sum ?

By the copy of the sentence which I have herewith the honour to enclose, your excellency will perceive that the tribunal has commenced by an assertion that captain Fenno, during his detention, attempted to escape, and that, upon this supposed attempt, are grounded its "suspicions ;" but in the note which I addressed to you on the 4th January, I enclosed a document which proved most incontestably that no such attempt was made, and that the assertions of the captors, in this respect, were altogether false. How astonishing then that the high court should venture to place its sentence on such ground. The other motives mentioned in the sentence, considered as objections to *the neutrality of this ship and cargo*, are scarcely entitled to comment. What if different hand writings are found in a sea letter which issues from a department where many clerks are employed ; what if "omissions" or "errours" in such or other documents ? I must observe, however, that the sea letter in question was submitted to the examination of the American consul, Mr. Saabye, and that he gave a formal certificate that the paper was genuine ; which certificate was submitted to the court by the claimant's council. As to the certificates of the French consul, the American captains must receive them as the consuls may please to give them, with whatever errours or absurdities they may contain. But it is worthy of particular observation that the objection made in this case to the French consul's certificate originated in the tribunal itself ; the captor did not deem that certificate to be of any importance ; no objection was taken to it in any of the prior proceedings ; the counsel of the American captain, of course, had not any opportunity of defending his client on that head. We herein see an innovation on judicial proceedings, of a character entirely novel : the court placing itself in the situation of the

accusing party, and condemning the property in litigation, on grounds not assumed by the captor. The only documents of real importance to be considered are, 1st. the register; is it or is it not a genuine document, proving the vessel to be the property of the persons therein named? 2d. the clearance; did the vessel or did it not come from New Orleans, as the captain pretends? 3d. the bills of lading and invoice; do they or do they not describe the cargo actually on board? These points satisfactorily established, what else can be wanting where the intention is to do justice to the captured, and to respect the neutral rights of the country to which he belongs? I can assure your excellency, in fine, that of all the decisions which have taken place since my arrival here, the one now in question is the most extraordinary; if, amongst all the just cases in which I have interfered, there was one which appeared to me to stand most clear from difficulties of all kinds, it was this of the Brutus, and I was still more gratified, in the confidence which I have indulged that the vessel would be acquitted; because it is the last remaining on the list of the captures which have occurred since my arrival here. What may be the merits of the captors, in the view of the king, I will not presume to conjecture; but I am sure that they cannot have any which can interfere with a due application of his majesty's just principles, or any, in relation to this case, which are not founded on misrepresentation. I must, therefore, earnestly request that your excellency will lay this representation before him, and I do confide that, when his majesty sees what I have stated, and is pleased to consider the enclosed sentence of his tribunal, he will think proper to reverse it, and to order the restitution of the property thus condemned.

I have the honour, &c.

(Signed)

GEORGE W. ERVING.

*His Excellency Mr. DE ROSENKRANTZ,
First Minister of State, &c. &c.*

No. 8. B.

[TRANSLATION FROM THE DANISH.]

Copy of the sentence pronounced by the High Court of Admiralty in the case No. 164 $\frac{139}{1811}$.

CAPTAIN JOHN FENNO,

against

J. T. SAMUELSEN, AND OTHER PRIVATEER CAPTAINS.

As captain Fenno's conduct during the detention, in endeavouring to escape the privateers, must render him suspicious, and therefore authorize the capture, so his later conduct affords a grounded reason for calling his neutrality into question.

Besides, in the very documents by which captain Fenno wants to prove the nationality of the vessel and the legality of the voyage, there are found such deficiencies, that the precepts contained in the prize act in this respect cannot be looked upon as being accomplished.

1. The sea-letter is not in the usual order ; as partly it is not filled out, and partly an elucidation is wanting in several places respecting the domicile and burden of the vessel. The only place where the burden is mentioned is perceptibly added by the strange hand. Thus the sea-letter can only be considered as a blank, arranged per males artes for the use of this vessel.

2. The attest found on the certificate of the cargo under the name of the French consul, must be false. Though the French consuls might still, in the year 1811, have made use of the insignia of the French republick, still it can no wise be admitted that words without meaning should have been inserted in their seals, which words are even put in a reversed manner. Thus this seal must be counterfeited, by which no caution nor accuracy has been observed in order to imitate the true one. But if the seal be considered as false, it also follows from thence, that the same must hold good with respect to the attest, the genuineness of which the seal is to confirm, and from this it further results, in pursuance of the prize act, and his majesty's resolution

communicated under the 23d October, 1810, to this high court, that such a false attest vitiates the authenticity of all the other documents even if they are in apparent order:

DECREED,

The ship Brutus, John Fenno, master, together with her cargo, litigated in this case, are hereby adjudged to Jens Tobias Samuelsen, and other privateer captains, as a good prize. The court charges of the prize court shall be paid out of the ship and cargo. For the rest the costs of the process are annulled.

The high court of admiralty, in Copenhagen, the 7th April, 1812.

(Signed) WLEUGEL.

I certify the correctness of the copy.

(Signed) N. TERBOL.

I certify that I have truly and faithfully translated the above from the Danish.

Witness my hand and seal of office, Copenhagen, the 8th of April, 1812.

[SEAL.]

N. HENRIQUES,
Translator Royal.

No. 20.

EXTRACT from the list of vessels captured or detained in the year 1811. This extract being of those which were tried and released by sentences of the prize court in Copenhagen, from which the captors did not appeal; and showing the amount of costs, fines and taxes under the 2 per Mille law, paid in virtue of said sentences.

<i>Vessels.</i>	<i>Captains.</i>	<i>2 per Mille.</i>	<i>Expenses of the Court.</i>	<i>Fines.</i>
		<i>Rix Dollars.</i>	<i>Rix Dollars.</i>	<i>Rix Dollars.</i>
Phoenix,	Freeman,	92	40	800
Swift,	Clarkson,	250	40	
Augustus,	Flint,	600	40	400
Dover,	Burrough,	118	40	30
William,	Goodwin,	92	40	30
Experiment,	Vibbert,	320	40	150
Swift,	Daggett,	160	40	

<i>Vessels.</i>	<i>Captains.</i>	<i>2 per Mille.</i>	<i>Expenses of the Court.</i>	<i>Fines.</i>
		Rix Dolls.	Rix Dolls.	Rix Dolls.
Zodiac,	Millar,	1,212	40	800
Egeria,	Law,	902	40	
George,	Howland,	320	40	
Sukey,	Osgood,	400	40	
Lion,	Jones,	1,412	40	1,000
Concordia,	Johnson,	2,000	40	
Packet,	Somes,	648	40	1,000
Jane Maria,	Moffatt,	36	40	600
Rover,	Groves,	392	40	600
Augustus,	Flint,	1,094	40	1,500
Horace,	Leach,	828	40	1,500
		<hr/> 10,876 <hr/>	<hr/> 720 <hr/>	<hr/> 8,410 <hr/>

Amount of 2 per Mille, 10,876

Ditto Expenses, 720

Ditto Fines, 8,410

Total amount, 20,006 Rix Dollars.

N. B. The Danish Rix Dollar may be estimated, in this account, at an average of seven and a half, equal to one Spanish.

This extract does not contain the vessels released by the prize court in Norway, viz:

Hæbe,	Porson.
Pilot,	Gower.
Industry,	Cook.
Fame,	Perry.
Comet,	Dennis.

Nor the "*Rachel*," Mattenly, released at Aalborg.

Nor the "*Delaware*," Gill, and "*Dolphin*," Latham, which were released on the preliminary examinations.

Nor the "*Herald*," Silsby, which was neither fined nor taxed, but received eight Spanish dollars for each day's detention, all costs paid by the captor.

EXTRACT from the lists of cases which were pending on the 30th May, 1811, and of those which occurred during the year 1811, subsequent to the 30th May. This extract containing all such

cases as have been acquitted on appeals to the high court of admiralty in Copenhagen, and showing the amount of costs, fines and taxes under the 2 per Mille law, decreed against them in the sentences of said high court.

<i>Vessels.</i>	<i>Captains.</i>	<i>2 per Mille.</i>	<i>Expenses of Fines.</i>	
		<i>Rix Dollars.</i>	<i>the Court.</i> <i>Rix Dollars.</i>	<i>Rix Dollars.</i>
Egeria,	Law,	550	40	1,000
Oscar,	Cunningham,	400	40	
Minerva,	Baker,	408	40	1,000
Pittsburgh,	Yardsley,	322	40	
Richmond,	Jarvis,	212	40	1,000
Amiable Matilda,	Hague,	332	40	
Nimrod,	Smith,	356	40	1,000
William & Jane,	Bunker,	760	40	2,000
Rachel,	Joseph,	548	40	
Washington,	Almy,	652	40	
Washington,	Brown,	246	40	2,000
John,	Raynolt,	540	40	
Jeremiah,	Russell,	438	40	
Nancy,	Eveleth,	246	40	1,000
Joseph,	Allan,	352	40	
Maria Theresa,	Phelps,	156	40	700
Laura,	Lambert,	404	40	1,500
		<hr/>	<hr/>	<hr/>
		6,922	680	12,200
		<hr/>	<hr/>	<hr/>

Amount of 2 per Mille, 6,922

Ditto Expenses, 680

Ditto Fines, 12,200

Total amount, 19,802 Rix Dollars.

N. B. This extract does not contain the

"Ariel,"	Butler,	} Acquitted by virtue of decree of Sleswic Hol- stein chancery.
"Fair Trader,"	Craig,	
"Minerva Smyth,"	Mann,	

Nor the "Maryland," Peters; in which case sentence had not issued at the closing of this list.

Copenhagen, April 10, 1812.

(Signed)

GEORGE W. ERVING.

No. 17.

Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, April 12, 1812.

SIR,

WITH my despatch No. 10, was submitted to you a copy of the reclamation, dated Nov. 4, which I thought it my duty to make against the sentences of condemnation, passed by the Danish tribunals in the years 1809 and 1810 on American ships and cargoes. Mr. de Rosenkrantz was prevented at first by ill health, and afterwards for a long time by a pressure of various business (as I understood) from laying it before the king. In the mean time he continually discouraged any expectation that his majesty would accede to the propositions which it contains, persisting in his declaration to me on my first arrival here, that there was no remedy for the past. Finding that in the usual course of business it was necessary for the minister to inform himself fully and particularly as to the contents of the note, so as to submit it to the king by abstract only, I thought that I might at once expedite my object, and add to the probability of success in it, by having the note translated into the Danish language. I sent such a translation to the minister on the 22d January, requesting (by No. 1 of the enclosures) that the whole might be laid before the king: This was done on the 14th of February, and on the same day the minister addressed to me the note No. 2, relating to Danish claims on our government, to which I answered on the 17th February as by No. 3, and on the 9th inst. I finally received the minister's reply to my reclamation of Nov. 4, (No. 4 of the enclosures.)

All my former communications, sir, have prepared you for this result, and the most extraordinary delay of the king in announcing it, though so far creditable to him in as much as it denotes the reluctance with which he has come to a conclusion, which he cannot conscientiously approve of, and which he has not found any admissible pleas to support or to countenance, yet has also afforded me the

means of ascertaining that no favourable change of this determination is to be hoped for.

All the business which my appointment had in view being now completed, and as there is not, as far as I know, one American vessel actually under detention (by Danish capture) in any port of this kingdom, after answering the minister of state's note in suitable terms, I propose, pursuant to my instructions, to take leave and depart for Paris. I wrote yesterday to Mr. Barlow for passports, and as soon as they arrive, which may be about the commencement of next month, I shall be entirely ready to make use of them. In the mean time I send home with this and other despatches my secretary Mr. Lewis, whose fidelity, industry, and zeal in the publick service, I so entirely approve of, that I cannot but recommend him to your patronage and protection. Previous to my departure I propose, as I have before mentioned to you, to present Mr. Forbes in the quality of "Agent" to the minister of state and to the other departments of government here, and I doubt not but that if any of our vessels should hereafter be captured by Danish cruisers, he will be able to afford them every assistance of which their cases may be susceptible, and that his respectability of character, and his other qualifications, will procure due attention to his official representations. I hope also that on my return to Paris, I may be able to assist Mr. Barlow in obtaining a favourable adjustment of the questions which have arisen out of the French captures in this quarter.

It seems to be scarcely probable, even if we should not be at war with England, that any of our vessels which may have left the United States for Russia, will, if they touch at Gottenburg for information, proceed on their voyages; for either the emperor of France will occupy the Russian ports, or the emperor of Russia will submit to his terms; in either of which cases those ports will be rigorously closed against "colonial produce." If the emperor of Russia should successfully resist, then his country will be inundated with whatever we can supply by the commerce of England. In this last case it is not to be supposed

that the English will take any neutral vessels under their convoy: in the two former cases the neutral will not have any motive for joining convoy. On the other hand the French cruisers will certainly intercept every vessel not under convoy which may enter the Baltic with colonial produce; and it is equally certain that such cruisers will be sufficiently numerous; for independent of the privateers, properly French, the Danes have found so little encouragement for privateering during the last twelve months, that many of them are reduced to the necessity of seeking French commissions.

Mr. Lewis will carry with him the original of my despatch, No. 10, which encloses authentick copies of the sentences therein referred. In these, sir, you will notice more particularly the extraordinary principles and offensive doctrines on which the tribunals have founded their decisions, and in case our country should still continue in peace, government, having the whole matter before it, will be able to give our commerce such direction, and to place it under such regulations as may best comport with its future security. With the most perfect respect, &c.

(Signed)

GEO. W. ERVING.

JAMES MONROE, Esq. Secretary of State.

No. 1.

Mr. Erving to Mr. de Rosenkrantz. Copenhagen, January, 22, 1812.

SIR,

I HAVE the honour herewith to enclose a translation into the Danish language, of my note to your excellency of November 4th, and of the statement thereto annexed. These I have caused to be prepared with particular care, trusting that you will be pleased to lay them, in their entire form, before his majesty.

I cannot but take this occasion of renewing to your excellency the expression of my earnest desire that you would enable me to transmit to my government his majesty's resolutions on the subject, nor, of my anxiety that those resolutions, marked by the enlightened and friendly policy

which I have anticipated in my reports to my government, may correspond to the just expectations of the United States, and cement that harmony and good understanding between the two countries which ought always to subsist.

I have the honour, &c.

(Signed)

GEORGE W. ERVING.

To his Excellency, MR. de ROSENKRANTZ,
First Minister of State, &c.

No. 2.

[TRANSLATION.]

THE Danish brig *Henrick*, captain Scheel, departed for cape Francois in 1799, was captured in the month of October of the said year by a French privateer, and recaptured a few days after by the United States ship *Pickering*, which took her into the Island of St. Christophers, where she was condemned on the ground of being recaptured, whereby the owner only obtained about one eighth part of the value of the vessel and cargo.

The American government ought to be held responsible for this measure, having by their instructions of the 12th March, 1799, authorized her armed vessels to re-capture all prizes taken by French privateers. The sentence of condemnation pronounced, appears also to contain an inadmissible application of the American laws, which do not relate to the recapture of *neutral* vessels. The two accompanying printed documents prove, that Mr. Madison, then Secretary of State of the United States, recognised the validity of the claim, and recommended the interests of the claimant to Congress. The owner, however, having been frustrated in his attempt to obtain the compensation due to him, has been obliged to institute a suit against the officers who recaptured his vessel, of which he is still waiting the issue.

A similar claim was preferred by the owner of the ship *Mercator*, captured in 1800, by lieutenant Maley, commander of the United States vessel, *Experiment*, afterwards taken by a British cruiser, which carried her to Jamaica, where she was declared a good prize.

It is shown by the annexed printed report, that damage to the amount of 33,864 dollars has been awarded to the owner in this case, but he has not yet been able to obtain payment.

In presenting these claims to the notice of Mr. Erving, the special minister of the United States of America, the undersigned minister of state, and chief of the department of foreign affairs, flatters himself, that he will lay them before his government, and endeavour to obtain for the parties interested, that indemnity, which the justice of their claims so evidently calls for; but which the intervention of his majesty's charge des affaires, has not, to the present period, been able to accomplish.

The undersigned, in praying Mr. Erving to have the goodness to return to him the enclosures, avails himself of the opportunity of renewing the continued assurance of his high consideration.

(Signed)

N. ROSENKRANTZ.

Copenhagen, Feb. 14, 1812.

No. 3.

Mr. Erving to Mr. de Rosenkrantz. Copenhagen, Feb. 17, 1812.

SIR,

I HAVE received your excellency's note of the 14th inst. relating to two claims of Danish subjects on the government of the United States. I am uninstructed as to those claims otherwise than by that note, and by the documents which it enclosed. In these I perceive with great satisfaction, that during a war of two years between the United States and France, at a time when the Danish commerce was in activity, and the western ocean was covered with American cruisers, the causes of complaint afforded to this country were confined to these cases, one of them a mere question as to the amount of salvage exacted on a recapture, and both of them grounded on the errors or misintelligence of officers employed on foreign stations; that these reclamations do not involve any misconduct of American tribunals, any violation of publick law, any of-

fence of neutral rights, or any bad faith or unfriendly disposition in the government of the United States; but on the contrary that in every stage of the claims, a love of justice, a respect for neutral rights, and a frank, generous, and friendly character towards Denmark has been continually manifested by that government; and finally, that complete satisfaction to the claimants has hitherto been delayed by causes which though beyond the control of the executive, do not forbid the expectation of redress.

I shall have the honour to submit to my government a copy of your excellency's note adding whatever may be proper on my part to promote the object of it.

I renew, &c.

(Signed)

GEO. W. ERVING.

*To his Excellency, Mr. de Rosenkrantz,
First Minister of State, &c.*

I return herewith the printed papers which were enclosed in your excellency's note.

NOTE No. 4.

[TRANSLATION.]

Copenhagen, April 9, 1812.

THE undersigned, minister of state of the department of foreign affairs, having laid before his majesty the note which Mr. Erving, the special minister of the United States of America, addressed to him the 4th of November last year, the principal object of which was to claim the revision of several sentences definitively pronounced by the supreme tribunals of admiralty, which the special minister considers ill founded, and in opposition to the principles he maintains ought to serve as a basis to the proceedings on prizes and rules for the judges, authorized to pronounce between the captors commissioned by the Danish government, and the captains and owners of whose vessels have been captured under the flag of the United States, is authorized by the orders of his majesty, to make known to Mr. Erving, special minister of the United States, that the king's very particular sentiments of friendship for the

United States, and his esteem for the President, cannot influence him to permit a revision of the sentences pronounced, terminating the causes arising from captures made by the cruisers under the flag of the state.

The principles which have formed the basis of the privateer regulations, and which have not been lost sight of in giving the instructions to the tribunals charged to examine in matter of prizes, are the same as those generally received, and according to which the Danish tribunals of the admiralty judge, and decide on the captures of vessels under other flags than that of the United States.

The special minister will be pleased to find in this assertion, which is founded on the facts he may have made himself acquainted with since his residence here, that the American flag has on all occasions been treated in the maritime tribunals, conformably to the rules established, precisely in the same manner as the neutral flags of Europe.

The undersigned is moreover authorized to observe to Mr. Erving, special minister of the United States, that if permission were given to the captured, who have pleaded before the tribunals which have decided by a definitive sentence between the parties, to make in their favour revision of the causes terminated, the same indulgence should be given to the captors, who might complain of the sentences pronounced against them, and that in this manner the causes arising from prizes would experience indefinite delays, as prejudicial to the captured as to the captors.

The undersigned, in expressing to Mr. Erving his regret at not being able to grant what the special minister proposed to him, has the honour to renew to him the assurance of his high consideration.

(Signed)

ROSENKRANTZ.

No. 19.

Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, April 17, 1812.

SIR,

I HAVE the honour herewith to enclose the reply of Mr. de Rosenkrantz to the last reclamation which I presented to him in the case of the "Brutus," copy of which was transmitted with my despatch, No. 16.

With the most perfect respect, &c.

(Signed)

GEORGE W. ERVING.

[TRANSLATION.]

Copenhagen, April 16, 1812.

THE undersigned minister of state, and chief of the department of foreign affairs, has not failed to attend to the reclamations which Mr. Erving, the special minister of the United States of America, made to him under date of the 23d September, 23d November, and 13th December of the last year in favour of the different American vessels, and specially in that of the Brutus, Fenno, master, captured and brought into a port of Norway.

It is known to Mr. Erving, that the causes of the vessels mentioned in the list of the 13th December, have all been decided in favour of the captured, with the exception of the Maryland, now waiting a decision, and of the Brutus, which, as well as the others have been reported to the king.

It is with regret that the undersigned, is obliged to inform the special minister, that his majesty, after having examined into this affair, has thought proper to leave to the supreme tribunal of the admiralty the pronouncing of the sentence, conformably to the principles and instructions prescribed to this tribunal by the regulations concerning privateers, and the ordinances regulating the proceedings before the supreme tribunal, and that this tribunal considers itself authorized to condemn both vessel and cargo for the reasons expressed in the sentence.

The decision of the king having been acted upon before the note of Mr. Erving, under date of the 10th instant,

reached the undersigned, as the special minister will see, by the date of the annexed copy of sentence, he has not been able to make use of the reiterated reclamations of Mr. Erving.

The undersigned flatters himself to be able shortly to inform the special minister, that the cause of the ship *Maryland* has been decided favourably.

He has the honour to renew to him the assurance of his high consideration.

(Signed)

ROSENKRANTZ.

No. 20.

Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, April 18, 1812.

SIR,

I HAVE the honour herewith to enclose copy of what I propose to send to Mr. de Rosenkrantz, in reply to his note of the 9th instant.

With the most perfect respect and consideration, &c.

(Signed)

GEO. W. ERVING.

P. S. I shall leave with Mr. Forbes the documents belonging to the claims here, and the claimants' letters; but I think it most proper upon the whole to transmit to you the original notes of Mr. de Rosenkrantz, and they are therefore herewith enclosed.

G. W. E.

Mr. Erving to Mr. de Rosenkrantz. Copenhagen, April 18, 1812.

THE undersigned, special minister of the United States of America, has had the honour to receive the note which his excellency Mr. de Rosenkrantz, first minister of state, and chief of the department for foreign affairs, addressed to him on the 9th instant, by order of his sovereign, in reply to the reclamation made by the undersigned, on the 4th November, 1811, against certain sentences of Danish tribunals, passed in preceding years, on vessels and cargoes the property of American citizens.

It appears that his majesty has not thought proper to authorize the minister of state to enter into discussion with the undersigned upon any of the various subjects which that reclamation embraces; to contest or to acquiesce in any of the doctrines upon which it is basis'd; to offer any kind of satisfaction for any of the various injuries which it complains of, or to propose any correction of the abuses and malversations which it points out as the sources of those injuries.

It is, therefore, the duty of the undersigned formally to declare, that the government of the United States cannot rest satisfied with such a mode of treating rights which it holds sacred, and will never sacrifice, and with such a rejection of the just claims of its injured citizens which it will never cease to assert and to protect.

The President will certainly receive with satisfaction the sentiments of particular friendship towards the United States, and of esteem for himself, which his Danish majesty has been pleased to profess; sentiments which he will readily reciprocate. Such sentiments he was eager and sincere in advancing; but he will, at the same time, receive with surprise as well as with peculiar concern, the declaration with which these professions are accompanied, refusing a reparation for the wrongs which he has complained of; wrongs which, unredressed, cannot but be considered as being but little in accord with such sentiments.

These, his impressions, must be rendered still more forcible by the recollection that a suitable redress for similar wrongs has never been altogether withheld by any of the belligerent powers with which the United States have occasionally found themselves in collision; but, on the contrary, that each of the chief belligerents has, heretofore, furnished a signal example wherein the firm and temperate voice of justice has prevailed over an erroneous policy; each has attended to, and respected, the remonstrances of the United States, satisfied their demands, and amply compensated the losses which the temporary adoption of false principles, or the misconstruction or malapplication

of acknowledged principles, had brought upon their citizens; thus recognising the sovereignty of just laws and the indefectibility of the neutral rights which spring from them: nor can the President be now reconciled to any infringement of these, to the cruising regulations of Denmark in those points which may offend them, or to the decisions of any tribunals, in as far as they may have the same tendency, by the only apology which his majesty has authorized the minister of state to offer for the wrongs complained of, viz. that these regulations and these decisions are founded upon the same principles which direct the conduct of Denmark towards neutral European powers, and that in cases wherein those powers have been thereby affected, no revision or retrospect has taken place: for, without entering into the inquiry whether there does or does not exist an European power neutral with regard to Denmark; and with which she can possibly come into collision on such subjects, without pointing out the difference between the neutral position of the United States and that of any European power, or examining in any degree the conduct of Denmark towards the European powers, neutral or otherwise, it is sufficient to observe that the U. States have not made common cause with any other neutral power; they have not bound up their fate with, nor do they mean to submit their rights to the arbitration of, or to pare them down so as to suit the convenience of any power whatever: these rights are clear, pronounced, and unequivocal: they are found in the great code of publick law. If other powers have not the same interest in defending; if they find it convenient to relinquish, or, for any other reasons whatever cease to assert such rights, no obligation to abandon them is thereby imposed on America; but to the contrary, standing alone amidst the great struggle of nations, her obligation to protect that sacred deposit is strengthened, and she becomes doubly responsible to posterity for this great inheritance; since she is not deficient in the power and means of preserving it.

His excellency, the minister of state, seems to suppose that the principal object of the undersigned is to obtain the

“revision” of the sentences of the tribunal specified in his note of Nov. 4th. It is proper, therefore, to consider this part of the subject, though he must premise by observing, and he begs his excellency to understand, that the object of that note, which embraced various subjects of complaint, was to obtain satisfaction and compensation, leaving the *“mode”* and the *“means”* to be adjusted by mutual accord; for, he is entirely unwilling to rest the claims of the United States, or to make them in any wise dependent on an abstract discussion as to the course which may be taken to produce the satisfaction required.

The undersigned, in his note of November 4th, has shown, as he trusts, most clearly and indisputably, that the rights of the United States, as a neutral nation, have been violated by the decisions therein referred to; if not, he has invited the minister of state to discuss the principles on which his reclamation is founded. Can it be deemed to be a satisfactory answer to such a reclamation, that other nations have submitted to similar decisions? Can it be imagined that the term *“definitive,”* as applied to such decisions, is conclusive against the United States? Can it be expected that they will acquiesce in a decision as *just*, because it is termed *“definitive?”* The constitution, the faculties, and the police of admiralty tribunals in this as in every other country are formed by and depend on the will of the sovereign, and he is strictly responsible to foreign nations, in all cases affecting their rights, for a correct administration of justice on the principles of publick law, which forms the basis of those rights. No foreign nation submits its cause to the arbitrary or capricious decision of such tribunals, or respects their decisions in any degree further than as these may be found to conform to its own sense of its own rights. The tribunal is the mere instrument of the sovereign with which he operates, and it is his duty so to direct and use it, that it may not do injury to the rights of others. The foreign nation, therefore, looks with reason to the tribunal only as indicative of the temper of the sovereign by whom it is appointed, and under whose authority it acts, and not as to the arbitrator of its

own destiny. When a foreign government complains of the conduct of such tribunals, it calls upon the good faith of the sovereign to repair the wrong which he ought to have restrained. Shall it be competent to the sovereign to refer the offended party for satisfaction to the very cause of complaint? What is this but to adopt the injustice complained of? Since when has it been agreed that the belligerents shall give law to neutral nations? Does the "ancient faith," which in peace augmenting confidence, removed the probabilities of war, and in war mitigated its horrors, does it no longer subsist? Or in a merely political calculation does it not occur that the belligerent may hereafter become neutral? However these questions may be answered, it is certain that there is a self-conserving principle in truth and right which ensures their vindication, so that a nation may be said to be deceiving itself when it refuses what is due to the just demands of others.

His excellency the minister of state has been instructed to observe, that if his majesty could consent to a revision of the sentences of his tribunals in favour of those whose property has been condemned, he ought to extend such revision to the sentences by which captured property has been acquitted.

The undersigned takes the liberty of remarking that the reclamation which he has made, is the reclamation of the American government against certain sentences of condemnation passed on American property by tribunals appointed by his Danish majesty, and acting under his authority. The American government finds itself aggrieved by such decisions. Is his majesty dissatisfied with the decisions of a contrary character, by which American property has been acquitted? Certainly not: Yet only upon that ground could his majesty desire a revision of the sentences of acquittal; for no question now exists between the captor and the captured: the question is between government and government: nor is it readily to be conceived that tribunals whose decisions the government of the United States has found such ample and solid reasons to complain of, can in other cases have done injustice to his

majesty's subjects. It is because the tribunals have been partial to his majesty's subjects, because they are not courts of arbitration in which the United States has its equal representation, and hence have acted on principles the justice of which the United States does not acknowledge, that a revision of their sentences against the property of American citizens may be reasonably proposed by the American government, and may be acceded to by his majesty, without this plan contemplating any injury to his subjects. These are the grounds on which similar revisions have been demanded in other countries, and have been granted, and compensation obtained without its ever having been proposed that sentences of acquittal, which have only tended to diminish the amount of the injuries complained of, should be also revised.

The undersigned cannot therefore but hope that his Danish majesty on a reconsideration of this important subject, will see fit to adopt some plan with respect to the matters complained of, which may satisfy the just expectations of the United States. He has thought that it best comported with the friendly and conciliatory dispositions of his government, not to propose any which should interfere with such arrangements as having due regard to the object it might be most convenient to his majesty to make; and therefore in his note of November 4th, stated, what he will here repeat—"that the mode, the means, and to a certain extent even the time may be subjected to considerations of mutual convenience and accord." He requests that the minister of state will be pleased to lay this note entire before his majesty.

He renews to his excellency, the minister of state, assurances of his distinguished consideration.

(Signed)

GEORGE W. ERVING.

*His excellency Mr. de ROSENKRANTZ,
first Minister of State, and chief of the
department of foreign affairs, &c.*

No. 21.

Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, April 20, 1812.

SIR,

WITH my despatch No. 8, (of September 8) I had the honour to submit to you copies of my correspondence with Mr. Desaugiers, then charge des affaires of France, which I had previously laid before the minister of state here, and which was also transmitted by Mr. Desaugiers to his government. In my notes to Mr. Desaugiers were particularized the various excesses of the French corsairs in these waters, which appeared to me contrary to the spirit and intention of that government, as well as injurious to our commerce. It is with great satisfaction that I now transmit to you the new instructions which Mr. Desaugiers has been ordered to give to the captains of the corsairs.

With the most perfect respect and consideration, &c.

(Signed)

GEORGE W. ERVING.

No. 22.

Extract of a Letter from Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, May 9, 1812.

“ I HAVE the honour herewith to transmit to you duplicate of my letter No. 20, (by Mr. Lewis) dated April 18th. The note of the same date to which it refers, with the few alterations which will be found in this duplicate, was sent to Mr. de Rosenkrantz on the 21st, and was laid by him before the king on the 1st instant. In the meantime I had several conversations with that minister upon the subject of it, in which I did not fail to urge whatever might contribute to a favourable answer on the part of his majesty. Finally, on the 8th instant, (yesterday) he sent to me the note of which the enclosed is a copy. You will observe, sir, the new position which our claims assume under this communication, and the reasonable expectation which it affords of a settlement hereafter. I have endeavoured to have this point placed in a more formal and explicit shape.”

[TRANSLATION.]

Mr. de Rosenkrantz to Mr. Erving.

THE undersigned, minister of state and of foreign affairs, has had to explain to Mr. Erving, special minister of the United States of America, in his note of the 9th of last month, the motives which have influenced the king his master not to grant the revision of the sentences of his supreme tribunal of admiralty definitively, terminating the causes brought before this tribunal, arising from the captures made by Danish cruisers, of vessels sailing under the flag of the United States, and that for this reason he could not persuade himself that the ulterior representations which the special minister had thought proper still to address him could produce any change in the determination of his majesty. The minister of foreign relations has however prevailed on the king his master to be pleased to examine the note which Mr. Erving addressed to him under date of the 18th of last month, reiterating the claim to redress for the wrongs previously recited, and satisfaction for which he considers it his duty still to insist upon.

The undersigned hastens to have the honour to inform the special minister that it has been enjoined on him by his sovereign to answer the above mentioned note of the special minister by referring to the contents of his preceding note of the 9th, as to the friendly dispositions of his majesty towards the government of the United States, to add the expressions of his extreme regret that he cannot agree to the opinion expressed by Mr. Erving as being that of his government, in regard to the conduct observed towards vessels under American flags, brought into the ports of his dominion by his armed vessels or by those provided with letters of marque.

The war in which the Danish nation is engaged with Great Britain, who employs every means to conceal from observation the enterprizes of its merchants, in making use of foreign flags; and merchants have caused those measures, the object of which is to preclude English commerce from the advantage growing out of the disposition

it has always found in the merchants of other nations, to become the agents of prohibited trade; it is too well known to Mr. Erving, and it ought to be to his government, that American merchants and mariners have frequently lent themselves to enterprises of this nature, for the Danish government to consider it necessary to multiply the proofs which it has on this subject.

It is known to the Danish government that the United States do not pretend either to approve or defend the conduct of American citizens, who, from the thirst of gain, are engaged in enterprises which expose them to loss, if the fraud is discovered: proofs are not wanting to show that they have frequently succeeded in imposing both on the officers empowered to examine captured vessels, and on the tribunals of prizes. The subterfuges to which they resort to prevent the discovery of the enemy character of the expedition have necessarily induced those intrusted by the king with the examination, as well as the tribunal, to redouble their activity, in order to fulfil the views of his majesty; but it never has been conformable with these to suffer that any injury should be sustained by the mariners and merchants of friendly nations who carry on a licit and unsuspecting commerce.

The persevering struggle of the Danish government in favour of the principles upon which repose the liberty of the commerce and navigation of neutral nations, forbids the supposition that it would wish to derogate from them; but it has a complete right to tear the mask from the commerce of its enemy who recognises no law in regard to navigation, as soon as neutral powers are in question. The king will not renounce the exercise of this right. If his majesty could be persuaded that in particular cases it should happen that appearances might have prevailed in the examination of some causes to the detriment of some American citizens, who might not have been able to demonstrate sufficiently that their enterprises of commerce were legitimate, he would assuredly be led to redress just complaints, as he has on several particular occasions given proofs of his favourable dispositions towards the American vessels which circumstances have conducted to the ports of his kingdom.

The king wishes, therefore, to give, himself, proofs to the government of the United States of the sentiments of justice with which he is animated.

The undersigned flatters himself that the President of the United States will be easily persuaded that during so hard a contest as that which Denmark now sustains against the government who so evidently disavows the rights of nations engaged in navigation, the moment is not favourable to bring anew under consideration the reclamations which the government of the United States may find it convenient to make at that period in relation to the objects in discussion.

The undersigned has the honour to renew to the special minister the assurance of his high consideration.

(Signed)

ROSENKRANTZ.

Copenhagen, May 8, 1812.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO BOTH
HOUSES OF CONGRESS. NOV. 12, 1812.

FOR the further information of Congress relative to the pacifick advances made on the part of this government, to that of Great Britain, and the manner in which they have been met by the latter, I transmit the sequel of the communications on that subject, received from the late charge d'affaires at London.

JAMES MADISON.

Mr. Russell to Mr. Monroe. London, September 19, 1812.

SIR,

ON the 12th instant I received your letter of July last, and the copies of my note to lord Castlereagh and of his lordship's reply, enclosed herein, will inform you that the propositions made in consequence of it have been rejected.

As I have but this moment heard of the immediate departure of the Friends, I have time only to add that I have received the communications of Mr. Graham of the 9th and 10th of August, by the Gleaner, and that I leave Lon-

don this evening to embark on board the Lark, at Plymouth, for New York. I am, sir, &c.

(Signed)

JONA. RUSSELL.

AN interesting interview took place between lord Castlereagh and myself on the 16th instant; the account of which I must, for want of time, reserve until I have the honour to see you.

*Mr. Russell to Lord Castlereagh. 18, Bentinck Street,
September 12, 1812.*

(Private.)

MY LORD,

IN consequence of additional instructions which I received from my government this morning, I called about noon at the foreign office and found with regret that your lordship was out of town. My object was to communicate to your lordship the powers under which I act, that you might perceive their validity and extent. I have, however, sought to state them substantially, in the official letter which I have herewith the honour to transmit to your lordship; but should you find any thing that stands in need of explanation, previous to being submitted to his royal highness, I shall remain at 18, Bentinck Street, to receive the commands of your lordship. If your lordship could, in courtesy, find any motive in my personal convenience to hasten a decision upon the propositions which I have submitted, the season of the year, my anxiety to depart (all my arrangements being made, all my luggage having left town) and the detention of the Lark at much expense, will plead powerfully in my favour.

I have the honour, &c.

(Signed)

JONA. RUSSELL.

*Mr. Russell to Lord Castlereagh. 18, Bentinck Street,
Sept. 12, 1812.*

MY LORD,

I HASTEN, authorized by instruction, recently received from the government of the United States, and urged by

an unfeigned anxiety to arrest the calamities of war, to propose to your lordship a convention for the suspension of hostilities, to take effect at such time as may be mutually agreed upon; and stipulating that each party shall forthwith appoint commissioners with full power to form a treaty, which shall provide, by reciprocal arrangements, for the security of their seamen from being taken or employed in the service of the other power, for the regulation of their commerce and all other interesting questions now depending between them, and that the armistice shall not cease without such previous notice by one to the other party, as may be agreed upon, and shall not be understood as having any other effect than merely to suspend military operations by land and by sea.

In proposing to your lordship these terms for a suspension of hostilities, I am instructed to come to a clear and distinct understanding with his Britannic majesty's government, without requiring it to be formal, concerning impressment, comprising in it the discharge of the citizens of the United States already impressed, and concerning future blockades, the revocation of the orders in council being confirmed.

Your lordship is aware that the power of the government of the United States to prohibit the employment of British seamen must be exercised in the sense and spirit of the constitution; but there is no reason to doubt but that it will be so exercised effectually, and with good faith.

Such a measure as it, might, by suitable regulations and penalties, be made completely effectual and satisfactory, would operate almost exclusively in favour of Great Britain, for as few American seamen ever enter voluntarily into the British service, the reciprocity would be nominal, and it is sincerely believed that it would be more than an equivalent for any advantage she may derive from impressment.

By the proposition which I have now the honour to make in behalf of my government, your lordship will perceive the earnest desire of the President to remove every obstacle to an accommodation, which consists merely of form, and to

signed for a longer delay, I shall consider it to be my duty to proceed to Plymouth to embark for the United States.

(Signed)

JONA. RUSSELL.

WILLIAM HAMILTON, Esq. &c. &c.

N. B. Sent at 3 o'clock.

[COPY.]

LORD CASTLEREAGH presents his compliments to Mr. Russell, and requests to have the honour of seeing him at his house in St. James' square, at nine o'clock this evening.

Foreign office, September 16, 1812.

N. B. Received a little before 5 o'clock.

Lord Castlereagh to Mr. Russell. Foreign Office, Sept. 18, 1812.

SIR,

UNDER the explanations you have afforded me, of the nature of the instructions which you have received from your government, I have, as on the preceding occasion, been induced to lay your letter of the 12th instant, before his royal highness the prince regent.

His royal highness commands me to express to you his regret, that he cannot perceive any substantial difference between the proposition for a suspension of hostilities, which you are now directed to make, and that which was contained in your letter of the 24th of August last. The form of the proposed arrangement, it is true, is different; but it only appears to aim at executing the same purpose, in a more covert, and therefore, in a more objectionable manner.

You are now directed to require, as preliminary to a suspension of hostilities, a clear and distinct understanding, without, however, requiring it to be formal on all the points referred to in your former proposition; it is obvious, that were this proposal acceded to, the discussion on the several points must substantially precede the understanding required.

This course of proceeding, as bearing on the face of it a character of disguise, is not only felt to be in principle inadmissible, but as unlikely to lead in practice to any advan-

tageous result, as it does not appear on the important subject of impressment, that you are either authorized to propose any specifick plan, with reference to which the suspension of that practice could be made a subject of deliberation, or that you have received any instructions for the guidance of your conduct on some of the leading principles, which such a discussion must in the first instance involve.

Under these circumstances the prince regent sincerely laments, that he does not feel himself enabled to depart from the decision, which I was directed to convey to you in my letter of the 2d inst. I have the honour, &c.

(Signed)

CASTLEREAGH.

JONA. RUSSELL, Esq. &c. &c. &c.

Mr. Russell to Mr. Monroe. London, Sept. 19, 1812.

SIR,

SINCE writing you this morning, fearing that this government should infer from my silence, an acquiescence in the strange and unwarrantable view which lord Castlereagh has in his last note thought fit to take of the overtures which I have submitted, and of the powers under which I acted, I have considered it my duty to return an answer, of which the enclosed is a copy.

With great consideration and respect, I am, sir, &c.

(Signed)

JONA. RUSSELL.

Hon. JAMES MONROE, &c. &c.

[COPY.] *Mr. Russell to Lord Castlereagh. London, Sept. 19, 1812.*

MY LORD,

I HAD the honour to receive last evening your lordship's note of yesterday, and have learnt with great regret and disappointment, that his royal highness the prince regent has again rejected the just and moderate propositions for a suspension of hostilities, which I have been instructed to present on the part of my government.

After the verbal explanations which I had the honour to afford your lordship on the 16th instant, both as to the ob-

ject and sufficiency of my instructions, I did not expect to hear repeated any objections on these points. For itself, the American government has nothing to disguise, and by varying the proposition as to the manner of coming to a preliminary understanding, it merely intended to leave to the British government, that which might be most congenial to its feelings. The propositions presented by me, however, on the 24th August, and 12th instant, are distinguishable by a diversity in the substance, as well as in the mode of the object which they embraced; as by the former, the discontinuance of the practice of impressment was to be immediate, and to precede the prohibitory law of the United States, relative to the employment of British seamen; when by the latter both these measures are deferred to take effect simultaneously hereafter. Having made a precise tender of such law, and exhibited the instructions which warranted it to your lordship, I have learnt with surprise, that it does not appear to your lordship, that I am authorized to propose any specifick plan on the subject of impressment. I still hope that the overtures made by me, may again be taken into consideration by his Britannic majesty's government, and as I leave town this afternoon for the United States, that it will authorize some agent to proceed thither, and adopt them as a basis for reconciliation between the two countries, an event so devoutly to be wished. I have the honour to be, &c.

(Signed)

JONA. RUSSELL.

*Mr. Russell to Mr. Monroe, On board the Lark, Nov.
7, 1812.*

(Private.)

SIR,

I HAVE the honour to inform you that I am now passing the Narrows, and expect to land at New York this day. I conceive it to be my duty to repair to the seat of government, and shall set off as soon as I can obtain my baggage. In the mean time I am sorry to inform you that the second proposition for an armistice was rejected like

the first, and a vigorous prosecution of the war appears to be the only honourable alternative left to us.

I have the honour to be, &c.

(Signed)

JONA. RUSSELL.

Hon. JAMES MONROE, &c. &c. &c.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO CONGRESS. NOV. 17, 1812.

I TRANSMIT to Congress copies of a letter from the consul general of the United States to Algiers, stating the circumstances preceding and attending his departure from that regency.

JAMES MADISON.

Extract of a Letter from Mr. Lear, consul general at Algiers, to the Secretary of State. "On board the American ship Allegany, at sea, July 29, 1812.

"ON the 17th inst. I had the honour to receive your respected favours of the 6th February and 29th of April, 1812, by captain Ebenezer Eveleth, of the ship Allegany, which arrived at Algiers on that day, with the four new Mediterranean passports, two hundred tops, and the several packages containing messages, reports, newspapers, &c. together with the letter of Richard Forrest, Esq. covering the invoice and bill of lading of the ship Allegany, sent from the United States with a cargo of naval and military stores for the regency of Algiers, in fulfilment of treaty stipulations.

"I must delay replying to the particular points in your letter of the 29th April, until I shall have given an account of the most unexpected and extraordinary event which I believe has ever taken place, even in the extraordinary events of Algiers, in order that I may have it ready to transmit, in case I should meet any vessel bound to the United States.

“On the arrival of the *Allegany*, the Dey and the officers of the regency expressed the most entire and complete satisfaction; and until the 20th inst. when they began to discharge the cargo, there was no appearance of any other sentiment. On that day a large quantity of spars and plank were taken on board a lighter, by the people of the marine, to be carried on shore, by order of the minister of marine, but they were not landed. At noon the minister sent to request a note of the articles, and their quantity, which were on board the ship for the regency, that he might lay it before the Dey in the evening, agreeably to his orders. I accordingly sent the note, taken from the invoice, but without affixing the prices. At 6 P. M. I received a message by my drogerman, from the minister of marine, informing me that when he laid my note of the articles before the Dey, he became very outrageous on finding there was only fifty small barrels of gunpowder and four cables on board; when the note sent to the United States in 1810, as furnished by the minister of marine, demanded five hundred quintals of gunpowder, and twenty-seven large cables, besides a very large quantity of cordage and other articles, as may be seen by said note, forwarded in my letter of August, 1810, to the honourable the secretary of state; and told the minister that he would not receive the cargo, but would send the ship away from Algiers, and that I must depart in her, as he would not have a consul in his regency, who did not cause every thing to be brought exactly as he (the Dey) ordered.

“Early on the morning of the 21st, I waited on the minister of the marine to inquire into this procedure, when he confirmed all that had been told me by the drogerman, and added many other expressions of anger and disgust of the Dey.

“I reasoned with him on the subject, stating that it had never been usual to send the whole of such large orders at one time; that we had been very punctual in our payments, and that the cargo of this vessel would probably pay all that we owed; that cargoes had always come in this manner, assorted, with a part of each article, and that

I had never before found any difficulty ; that powder and cables were articles of which we did not make enough for our own use in the United States, and that it was almost impracticable, at this time, to bring them from other countries, as was well known to himself and all the world ; that in the present distracted state of nations, it was possible that the United States might be forced into a war, and that it behooved our government not to be destitute of so essential an article of defence as gunpowder ; but that on a future occasion we might be able to send more ; with many other remarks, which he allowed to be reasonable, but said that the Dey was determined ; and that when he had once fixed a resolution he never departed from it. And added, that the Dey insisted upon having every thing brought which he ordered, *without regarding whether it amounted to more than the sum stipulated in the treaty or not* ; and that I must depart on Thursday the 23d instant, on board the Allegany, with all the Americans now in Algiers.

“ I wished to see the Dey, and for that purpose desired an audience, which was denied me.

“ I then requested that a few more days might be allowed for my remaining, that I might prepare myself, as it was impossible to make any arrangement of my affairs in so short a time, hoping in the mean time, to make some accommodation of this business. The answer was that the Dey would not allow an hour more.

“ I wrote a circular to the christian consuls in Algiers, informing them of my ordered departure.

“ The spars and plank which were taken out of the vessel yesterday, were returned on board this morning. In the morning of the 23d, I sent my drogerman to the palace to say that I wished to make a settlement of the cargo of the brig Paul Hamilton which had been delayed, by a request from the palace until the Allegany should arrive, when a settlement could be made for both vessels at the same time.

“ The request was granted, and the drogerman informed me that the Dey wished me to bring our treaty with me, that we might see the time when it commenced, the terms,

&c. in order to make a final settlement of our accounts. This I did, and while I was settling the account of the Paul Hamilton's cargo with the prime minister and secretaries, in the usual manner, the Dey's drogerman came down, and said, the Dey wished to see the treaty which I had brought. I gave it to him without hesitation, supposing that the Dey might wish to see something in it, or that he might compare it with that which was in the palace. But when I demanded the treaty again, the Dey refused to deliver it, saying, by his drogerman, that when a consul was sent away, he the Dey should always keep his treaty, and that such had ever been the custom at Algiers.

“After settling the account of the cargo of the Paul Hamilton, which amounted to \$12,109, and producing a tiscary or acknowledgment of a balance due to the United States, which had been given in February 1810, at the settlement of the cargoes of the ship Resource and brig Blanchy, for \$26,065; the minister and secretaries said there was still \$27,000 due to the present time. This I denied, as I had the receipts of the regency for the payment of annuities for fourteen and a half years, exclusive of the amount of the cargo of the Paul Hamilton and the tiscary, for \$26,065, and as our treaty was concluded on the 5th of September, 1795, it would be only seventeen years in the whole, from which the fourteen and a half years were to be deducted, leaving two and a half years ending the 5th of Sept. next, amounting to \$54,000, from which deducting the cargo of the Paul Hamilton, and the tiscary before mentioned, would leave but \$15,826, and which I had no doubt but the cargo of the ship Allegany would fully pay, if it should be received.

“The minister then observed, that they counted the year by the Mahometan calendar consisting of three hundred and fifty-four days, so that the difference in seventeen years, would make it one half year more than we counted. I told him that I had always reckoned the years in the Christian manner of three hundred and sixty-five days; and that I presumed the same was done by all other consuls having accounts of a similar nature with the regency. He said it

was never so done, or allowed by the regency, and immediately sent up a note to the Dey, of the sum due by his account, viz.: \$27,000.

“After a short time the Dey sent down word by his drogerman, that the balance must be paid *immediately in cash*, and that the vessel, with myself, &c. must depart tomorrow as he had ordered. I answered that it was impossible for me to comply with the Dey's order, even if I acknowledged the balance to be just, and had every disposition to pay it, as I had not the means of obtaining the money, especially as the cargo of the ship now in port was sent by my government for the express purpose of paying what might be due to the regency, and was the strongest possible evidence of our punctuality in fulfilling our engagements.

“The prime minister then went up to the Dey, with the drogerman, and soon returned, saying that the Dey persisted in his first order, that the money should be paid *immediately*; or that I should be sent to the marine in chains, the vessel and cargo confiscated, and all the citizens of the United States now in Algiers be detained in slavery, and war instantly declared against the United States.

“I told the minister that the matter was now brought to a decision, and that I must go to the marine in chains, for it was not *possible* for me to obtain the money; and had no more to say on the subject, but would warn them of the evil which they were bringing on themselves, by such unjust and outrageous conduct.

“The minister went to the Dey a second time, when I demanded to accompany him; but was refused, and soon returned with what he said was the fixed and unalterable resolution of the Dey, viz. that he would allow me till Saturday morning the 25th inst. to pay the money and depart with the vessel and all other Americans in Algiers; but if this was not done, he should confiscate the vessel, detain in slavery all the Americans in Algiers, and declare war against the United States as he had before determined. The minister also added, that the Dey had been informed that the ship had brought a large quantity of coffee, for

sale, and some other articles not intended for him (meaning, I suppose, the gun barrels, &c. for the emperor of Morocco; but whence he could have got the information of the latter I know not, for I had never mentioned a syllable of it to any one in Algiers. I have since learned that it was discovered by some means or other, when the planks and spars were taken out of the vessel on Monday;) and that he was, if possible, more highly incensed at this, than on any other account; saying that he considered it an insult offered, by having merchandize embarked on board a vessel which was said to have been sent for the sole purpose of bringing the annuity.

“As I was determined that nothing should be wanting on my part to settle this unpleasant, and to me, unaccountable business, I proposed to the prime minister, that the articles now sent by the Allegany should be received and passed to our credit, in the usual manner of settling the accounts of cargoes, when they had the power of fixing their own prices, and that whatever balance might appear due, after such settlement, should be paid in cash if the Dey desired it; and that he might send a note of such articles as he expected for the next annuity, which I would forward to my government, with such observations on the propriety or necessity of sending the whole of them, as the Dey should express. By this means, if the proposition should be accepted, time would be given to make preparations for future events, or at any rate our commerce in this sea might have been secured by giving timely notice, and putting our vessels on their guard. But the Dey refused to listen to it, and repeated his first orders.

“On leaving the palace I reflected upon the very critical and alarming situation of our affairs with the regency, which was not only brought on in the most unexpected manner, but without any reasonable or justifiable cause of complaint on the part of the Dey. It appeared to me that he was determined to take a measure which I had for some time past apprehended, and which I had more than once the honour of intimating to the honourable the Secretary of State, particularly in my letter of the 29th May last,

viz. That after having concluded a truce with Portugal, and seeing Sicily under the protection of the British, he must make war upon some other nation, with or without a cause, in order to employ his cruisers; and that the extended and unprotected commerce of the United States offered greater prospects of advantage from plunder and captures than he could expect from any other nation. The ultimate consequence of such conduct he would never calculate; neither would he be restrained by any sense of shame, or of the flagrant injustice of the act.

“In this state of embarrassment, and with these reflections, I was still determined to try all possible means to accommodate the present difficulties, before the ultimate period fixed by the Dey should arrive; but if that could not be effected, I should prepare, if possible, to pay the balance demanded in money, to prevent the loss of the ship and cargo, the detention of all Americans in Algiers, and the immediate capture of others.

“In order to raise the money I proposed to sell the cargo of the ship, as the Dey would not receive it, and pay him the proceeds in cash towards the balance, but he absolutely forbid the sale of any article on board her. Thus situated I had no other means left but to endeavour to obtain the money on my bills, and while I was using every means in my power, and through every channel that could be devised, to have matters accommodated before they came to the last extremity, I was not inattentive to the necessity I might be under of procuring the money in the last moment.

“As the discussions on our business had taken place either at the marine or in the palace, in presence of all those usually attending there, it was no secret; and I had the satisfaction of hearing a general sentiment of disapprobation expressed on account of the Dey's conduct, more strongly than I could have supposed it would have been done, when it was known in what awe and dread every one beheld the present Dey, whose severity is almost without example.

“The only quarter from which money could be obtained

at any rate, was the house of Bacri, and upon application to him to know if I could depend upon him in the last extremity, he raised many difficulties on account of the limited time, of the many very heavy payments which they had been obliged to make lately for the cargoes of the Greek prizes purchased by them, which had entirely absorbed their cash, &c. He also made some objection to the security of such bills, on account of my being obliged to leave the regency: to that I answered, that I should not desire any one to become my security, as the same objection would naturally occur to them, and that if I should give bills, I must candidly say that if the vessel should not afterwards be permitted to depart with her cargo (as I had some apprehensions from the shameful conduct of the Dey, might be the case, in violation of his word) the bills would not be paid, as the proceeds of the cargo, at the place to which she might go, must be depended upon towards discharging such bills. He said he would consider the subject and give me an answer on Friday as to the practicability of getting the money, if it must be had, and the terms which would be expected for it.

“ On Friday I made the last effort to effect an accommodation, and flattered myself with some little prospect of success, as the minister of the marine and some others of the principal officers of the regency, had expressed their regret at what had happened, and had promised to do every thing in their power to induce the Dey to alter his determination, if the Dey should introduce the subject before them, on this day when they all met him at the palace to go with him to the mosque, it being the Mahomedan sabbath; but they candidly acknowledged that if he did not bring the matter forward, no one would dare to introduce it, as they knew the obstinacy of his temper, and dreaded the effects of his resentment.

“ I had communicated to the minister of the marine the proposition which I made in the palace on Wednesday, for the Dey to take this cargo on account, and to pay the balance, if any, in cash, &c. which he did not hesitate to declare he thought highly reasonable, and such as should

be satisfactory; but at the same time remarked on the inflexible obstinacy of the Dey, when he had once taken his resolution.

“At one o’clock my drogerman brought me a message from the Dey, which he said was his last, and irrevocably fixed, viz. : That I should to-morrow morning pay into the treasury 27,000 Spanish dollars, which he claimed as the balance of annuities from the United States, and then depart from the regency with my family, and all other citizens of the United States in Algiers, in the ship which had brought the stores, in fulfilment of treaty stipulations, and which he had refused to receive; or that the ship and cargo, with all other Americans now in Algiers, should be detained, the former confiscated, the latter kept in slavery, and that war should be instantly declared against the United States.

“This message determined the business and closed every door of hope for an accommodation. It was confirmed by the minister of marine, who said that the subject having been introduced by the Dey in their presence, he and the other ministers had urged every thing they dared, to induce the Dey to alter his determination, and to accept my proposition, but in vain. He was inflexible, and the alternative must be taken immediately.

“I had now my ultimate choice to make, between the payment of the money, if it could be obtained, and the certain loss of the vessel and cargo, worth much more than the sum claimed by the Dey, and the immediate slavery of more than twenty American citizens (including myself and family) now in Algiers, with the highest probability of many American vessels and their crews being captured before it would be possible to give notice of what had happened, to enable them to consult their safety by remaining in port, as the port of Algiers had been shut since the sailing of their cruisers on the 13th instant, and of course no opportunity had offered to communicate an account of these transactions to any of our consuls in the Mediterranean.

“I therefore made my election to pay the money, if it

could be obtained, especially as the departure of the Alleghany would afford an opportunity of giving the most speedy information to every part of this sea, and guard American vessels against falling into the hands of the Algerine cruisers now out; as I can now have but little doubt of the Dey's having given orders to his cruisers, on their sailing, to detain and send in such American vessels as they may find. For it must clearly be seen that he has no reasonable or justifiable ground for his present demand and conduct, and I am in a great measure confirmed in my apprehensions entertained and expressed in my last letters to the honourable the secretary of state, that after the truce with Portugal and the protection of the Sicilians by the English, he would make war upon some nation to employ his cruisers; and that none offered a better prospect than the vessels of the United States.

“The present posture of affairs between the United States and Great Britain, just on the point of open hostilities, would afford another guard and security against our sending a force into this sea to protect our commerce now here, or revenge the insult and injury inflicted upon us; especially, too, as under present circumstances, he must suppose that it would be gratifying to the British, with whom, there is every reason to believe, he has a treaty offensive and defensive.

“I sent for Mr. Bacri, and informed him of my determination to pay the money and depart from Algiers, and should depend upon him for it. But that if, after paying the money, the vessel and Americans should not be allowed to depart from Algiers (which I had reason to apprehend from the Dey's outrageous and extraordinary conduct might happen notwithstanding his declaration) the bills which I might draw would not be paid at Gibraltar; for, that I must depend upon the sale of the cargo of this vessel to meet the bills as far as it would go; and that I gave him this information, that he might know the ground on which he stood. He replied that he should have full faith in the bills on that condition, and then observed that the sacrifices which must be made to obtain the money at the moment, could

not be less than twenty-five per cent. After some further discussion of the subject, and knowing the impossibility of obtaining the money from any other quarter, (about which I had made inquiry for two days past) I agreed to give him the advance, which brought the amount to 33,750 dollars; and in the evening gave him a bill, at thirty days sight, on John Gavino, Esq. consul of the United States at Gibraltar, in favour of Moise Levy Valensen, of Gibraltar, value received of Jacob Cain Bacri, of Algiers, on account of the United States of America, to pay a balance claimed by the Dey of Algiers, for annuities from the United States, the Dey having refused to receive the naval and military stores sent from the United States, agreeably to treaty stipulation, to pay such balance as might be due. I also stipulated with Mr. Bacri, that he should cause the money to be paid into the treasury to-morrow morning, so as not to give any ground for detaining the vessel, or raising any new difficulties on that account, which he promised to do.

“ I gave to John Norderling, Esq. his Swedish majesty's agent general at Algiers, a letter, accepting his friendly offer to take care of my property left in Algiers, and also requesting his kindness to be extended to any American citizens who might arrive in Algiers after my departure, or be unhappily brought in by the cruisers of the regency.

“ The following is an extract from my letter to Mr. Norderling.

“ As my departure from Algiers is compulsive, I leave no person directly charged with the affairs of the United States of America in this regency. But should any of our citizens arrive here, or be unhappily brought in, your kindness to them will be gratefully acknowledged, and the necessary and reasonable expenses for the support of such as are destitute will be paid by the government of the United States.”

“ Through the day of Friday, and in the evening, my acquaintance of all descriptions called upon me, and the unfeigned sorrow expressed by all of them of every denomination, sufficiently evinced the regard they had for us.

And the undisguised disapprobation and disgust expressed by all classes at the Dey's conduct, must, I think, end in some disastrous event for him.

“ Very early on Saturday morning the drogerman came to my house, and informed me that Jacob Bacri had paid the money to the regency, and soon after the minister of the marine sent for me to go to the marine, where he informed me it was the Dey's order that myself and all the other Americans should embark immediately, and depart from Algiers. He expressed his regret at what had happened, and declared that it was against his strong advice and wishes, hoped that every thing might yet be accommodated, after the Dey's phantasy should have passed, &c. I intimated to him my suspicions and apprehensions that orders had been given to the cruisers which sailed on the 13th instant, to capture American vessels. He assured me that if such orders had been given by the Dey to the commander of the squadron, he was ignorant of it, and that he hoped it was not the case. How far his reply is to be relied on I am not able to say.

“ I requested the minister to give me a certificate of the ship *Allegany* having been sent away by order of the Dey, that in case she should be met by any of the cruisers now out, they might not molest or stop her. This he declined, saying that their cruisers were all at the east of Algiers, and that if any one should molest or detain the vessel, the Dey would punish the commander most severely, &c. This did not satisfy me; but I could not prevail upon him to give the passport.

“ When I parted from the minister I was about to return to my own house, to accompany my wife on board the vessel; but he said I must not return there again, but must go on board, as the vessel was getting under way, and that the drogerman would go up to conduct my family down and on board, which was accordingly done, and the vessel got out of the port about 7 o'clock, A. M.

“ The persons embarked on board the *Allegany*, besides the captain and crew, (consisting of seventeen persons) are myself, my wife, and my son, (who arrived from the United

States via Gibraltar, on the 15th instant) Mr. Jonathan S. Smith, of Philadelphia, who has been in Algiers these two years past, with some coffee for sale, which he has thought proper to abandon, and says he shall seek for indemnification from the United States. I advised him to sell it, as it was not possible for the ship to take it on board, as she was entirely filled with the cargo which she brought out, but he did not think proper to comply with my advice; Mr. John Vallet, a naturalized citizen of the United States, whom I have mentioned in my letter of the 29th May, a copy of which I have now the honour to enclose, as well as of that of the 30th of April, and a Mr. Pinto, also a naturalized citizen of the United States, certificate from South Carolina.

“On the evening of our leaving Algiers we spoke a British letter of marque, bound to Malta, and as the weather did not admit of sending a letter on board, I desired the captain to inform the American consul at that place that I had been ordered from Algiers, and as there was no doubt but the Algerine cruisers would capture any American vessels they might meet, desired that he would give notice thereof to all American vessels in Malta, and extend the information in every direction possible.

“Yesterday we were boarded by his Britannic majesty's brig Goshawk, which was going with a convoy to Alicant and Majorca, to the commander of which brig I gave letters to our consuls in those places, a copy of which I have the honour to enclose, and requested the said commander to give the notice of my being ordered from Algiers, &c. to any American vessels he might meet at sea, and make the same known wherever he might go. I shall forward my circular to any places to which we may meet vessels going, until I reach Gibraltar, whence I shall disperse my circulars by every opportunity which may offer, to all ports of this sea, as well as to the ports in the Atlantic.

“The officers of the Goshawk who boarded us, gave information that the British orders in council, laying restraints on neutral commerce, had been revoked, and that the British cruisers had orders not to molest American

vessels, as an evidence of which he did not even ask for a sight of the Allegany's papers.

“ I took passports for the ship from the French and Spanish consuls before I left Algiers. The English consul did not furnish any, although I applied to him for that purpose. I did not ask them from the Swede or the Dane, as they have no vessels in this sea.

“ I have now, sir, given you a faithful and a detailed account of this extraordinary and unexpected transaction. While I feel conscious that no exertion was wanting on my part, and no means in my power left unattempted to make an accommodation, when the difficulties were first brought forward, and during the whole course of this unexampled proceeding; and that my ultimate decision was made on the ground of necessity, to prevent a greater evil to my country; I trust that the President and our government will approve my conduct. The law passed on the 1st of May, 1810, restricting the consuls in Barbary to the sum of three thousand dollars annually, to be employed in presents, &c. without the special permission of the President first obtained, prevented my making those attempts in a pecuniary way, for opening a door to accommodation, which I should otherwise have done; but upon a review of the whole of the circumstances attending this business, I have now my doubts whether any sum which the United States might have thought proper to bestow, would have answered the purpose. I thought it my duty, however, to make some attempts in that way, upon the scale to which I was limited; but it had not the desired effect.

“ The character of the present Dey, Hadge Alli, bashaw, is that of a severe, obstinate, and cruel man. He is said to be inflexible in his resolutions, and will bear no contradiction or reasoning. He has kept the soldiers in more subjection during his reign than they have been accustomed to for many reigns before, and no one dares approach him, but those whose duty calls them into his presence, or who are sent for by him. He has not granted an audience to any consul for nearly a year past, except to a new English consul who arrived in April last; and would not

see the old consul before his departure. The tales told of his personal conduct in the palace, bespeak him a man deprived, at times, of his reason. His conduct with respect to our affairs is almost an evidence of his insanity ; and I am very much mistaken if it does not hasten his exit from this world, but while he reigns he is most absolute. And I have very little hopes of his refraining from making war upon the United States. There is every reason to apprehend, from what has taken place, as before detailed, that the cruisers had orders to capture American vessels, before their departure from Algiers, on the 13th instant. In which case some vessels will undoubtedly fall into their hands before the notice I have given, or may give, can reach the ports where they may be, and prevent their sailing. It therefore behooves the government to prepare for such an event, and to determine in what manner they will meet it. Should our differences with Great Britain be so accommodated as to admit of sending a naval force into this sea, I am sure there is only one course which the government will pursue, and what has now taken place may be a happy and fortunate event for the United States, by relieving them from a disgraceful tribute, and an imperious and piratical depredation on their commerce. *If our small naval force can operate freely in this sea, Algiers will be humbled to the dust.*

“ Spain would undoubtedly be ready and willing, as far as she might be able, to co-operate with any nation against Algiers; for the enormous demands made upon the former by the latter not having been complied with, the Algerines have lately taken vessels and property from the Spaniards to the amount of more than one hundred thousand dollars, and have upwards of fifty of the subjects of that nation in slavery. They still permit, or rather compel the consul to remain at Algiers, and have not declared war against Spain, whose ally seems to view these depredations with indifference. The French may be said to be nearly in a state of open hostility with them ; and the Algerines know, that in the event of a peace between Great Britain and France, they must submit to the will of the latter power.

Sweden and Denmark are in arrears for four or five annuities, and nothing but a knowledge that these powers have no commerce in this sea, on which they can depredate, prevents their making war upon them. In the mean time, the consuls of these nations pay annually a considerable sum in money for their forbearance, while the account of annuities is accumulating. All the Sicilians have been released, through the interference of the English, from Tunis and Tripoli; and at my departure from Algiers, lord William Bentick was daily at that place, to treat for the Sicilians in slavery there. The Portuguese have redeemed all their subjects in slavery at Algiers, and extended their truce with the regency for one year.

“ I shall proceed in the *Allegany* to Gibraltar, where I shall dispose of her cargo which has been refused by the Dey of Algiers, to meet, as far as it will go, the bill before mentioned, and for the remainder shall draw upon the honourable the secretary of state. At the same time, I shall send to Mr. Simpson, our consul at Tangier, the gun barrels intended for the emperor of Morocco, as well as a copy of your letter respecting the change of passports, with a proportion of the tops, and one of the new passports. The same will be done to Tunis and Tripoli, from which places I have heard nothing since I had last the honour of writing to you. I shall also from thence dispense information of what happened at Algiers, to all ports of this sea, as before mentioned, and shall add to this letter (if an opportunity should not offer of forwarding it before my arrival) such occurrences or information as I may meet there.

“ On the 13th instant, the whole naval force of Algiers sailed on a cruise to the eastward, supposed to be destined against Tunis, or to make a descent on some part of Sardinia, for the purpose of getting slaves. It consisted of the following vessels :

1 frigate of 50 guns and	500 men.
1 do. 46	460
2 do. 44	450 men each, 900
1 do. (new) 38	400

2 corvettes, 24 guns each,	500 men.
1 do. 22	230
2 brigs, 22 guns each,	450
1 xebeck, 20	200
1 schooner, 4	40
1 row galley,	50

6 gun boats, sloop rigged, carrying one 24 pounder, and one 11 inch mortar each.

“The heaviest cannon in their frigates are eighteen pounders, but these do not extend through the whole battery, having some twelve pounders among them; the other guns are nine and six pounders. The corvettes and brigs carry twelve, nine, and six pounders: none of them have carronades.

“The large frigate is about six years old, and the best of the squadron. She is about the size of our 36 gun frigates. Three of the others are very old ships, hardly seaworthy, about the size of our 32 gun frigates. That of 38 guns is a new ship, launched at Algiers about two months since, and is about 500 tons burden. The two corvettes of 24 guns are Greek prizes, converted into cruisers, about 400 tons burden each. The corvette of 22 guns is an old vessel of about 350 tons. The two brigs are about 250, and the xebeck 200 tons. Four of the frigates, one corvette, and the two brigs, are coppered.

“The Algerines have not another vessel of war, besides those mentioned, excepting three gun boats, of the size of those sent out, which are unfit for service. All their small open gun boats for the defence of the bay, are either broken up or entirely unfit for service.

“The squadron before mentioned is commanded by their famous captain Rais Hammida, who bears the title of admiral. He is a bold, active, enterprising commander, but entirely unacquainted with any regular mode of fighting; he has not the advantage of being a Turk, or even an Algerine by birth, and his advancement, which has been owing entirely to his activity, enterprise, and singular good fortune, has excited the jealousy and hatred of the other commanders, who are far inferiour to him in point of talents;

but he is much beloved by the sailors (if such they may be called who go out in their cruisers.) He is an Arab of the mountains, of one of the tribe of Carbiles; he came to Algiers when a boy, to seek a livelihood, as is the custom of those people, and going out in one of the cruisers, became attached to that mode of life, and has risen to his present rank. He is about 40 years old.

“The crews of their cruisers consist principally of the lowest and most miserable order of people in Algiers, known by the name of Biscaries and Carbiles, from the tribes to which they belong. They are either taken from the streets at the moment when a cruiser is about to sail, or if a previous cruise has been fortunate, they go on board voluntarily in great numbers, hoping to obtain plunder or prize money. As the last cruise of their corsairs was esteemed fortunate by the capture of a number of Greek vessels loaded with wheat, and each man shared about fifty dollars, the vessels have been crowded with volunteers on the present cruise. Besides these there are a few who may be called good seamen for Algerines; and about ten or twelve Turkish soldiers to every one hundred men on board the vessel.

“They know nothing of regular combat at sea, and if kept from boarding distance, they could not withstand one half their own force on board another vessel, which should be tolerably well managed in the usual mode of sea fighting. It is on boarding that they depend entirely to overcome an equal or any force that will contend with them. These attempts they sometimes make with a desperation bordering on madness; but if foiled in that, they have no other resource.

“After this account of the Algerine cruisers and their crews, which is faithful and correct, I am sure that our brave officers and seamen would rejoice to meet them with only half their force, if circumstances should make a recurrence to arms necessary on our part, and our ships could come freely into this sea.

“Enclosed is the account of the settlement of the cargo of the brig Paul Hamilton, made at the palace on the

22d instant; and although the prices allowed for the cordage and cables are at a great loss to the United States, yet those given for the plank and turpentine, &c. make the settlement upon the whole as good as usual, and had the cargo of the ship *Allegany* been received at the same rate, it would have paid the balance up to September next, which completes the seventeenth year of our treaty, according to our computation of time. The account of annuities between the United States and Algiers, as per treaty, stands simply thus:

Dr. The United States to the Dey and Regency of Algiers.

To 17 annuities ending Sept. 5, 1812, at \$ 21,600	
per year	\$ 367,200

Supra. *Cr.*

By $14\frac{1}{2}$ annuities paid as per receipts, at \$ 21,600	
per year	313,200
By a tiscary given at the last settlement for a	
balance in favour of the United States, 14,480	
old sequins	26,064
By the amount of stores brought by the brig	
Paul Hamilton, as per settlement July 22d,	
1812	12,099
	<hr/>
	351,363

Balance due to the regency of Algiers on the	
5th Sept. 1812	15,837
	<hr/>
	\$ 367,200

“ The regency of Algiers counting the time by the Mahometan computation of 354 days to the year, make $17\frac{1}{2}$ years, which is an addition of half a year, or \$10,800 to the above balance, which makes their balance \$26,637 to the 5th of September, 1812, for which the Dey demands \$27,000, in round numbers.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. NOVEMBER 18, 1812.

I TRANSMIT to Congress copies of a communication from Mr. Russell to the Secretary of State. It is connected with the correspondence accompanying my message of the 12th instant, but had not at that date been received.

JAMES MADISON.

Mr. Russell to Mr. Monroe. Washington, Nov. 16, 1812.

SIR,

I HAVE the honour to hand you herewith an account of the conversation alluded to in a postscript to my letter of the 19th of September, and which I had not sufficient time then to copy. I have the honour to be, &c.

(Signed)

JONATHAN RUSSELL.

The Hon. JAMES MONROE, &c. &c. &c.

Mr. Russell to the Secretary of State, dated London, September 17, 1812.

SIR,

ON the 12th instant, I had the honour to receive your letter of the 27th of July last. I called immediately at the foreign office to prepare lord Castlereagh, by imparting to him the nature and extent of my instructions, for the communication which it became me to make to him. His lordship was in the country, and I was obliged to write to him without previously seeing him. I however accompanied my official note (A*), with a private letter (B*), offering explanation, if required, and soliciting despatch.

I waited until two o'clock, the 16th instant, without hearing from his lordship, when I was much surprised at receiving a note (C*) from Mr. Hamilton, the under secretary, indefinitely postponing an official reply. To give more precision to the transaction, I instantly addressed to

* The notes referred to have already been communicated to Congress. See present vol. pp. 388, 389, 390, 391.

him an answer (D*), and a little before five o'clock, on the same day, I received an invitation (E*) from lord Castlereagh to meet him at his house that evening at nine o'clock.

I waited on his lordship, at the time appointed, and found him, in company with Mr. Hamilton, at a table loaded with the records of American correspondence, which they appeared to have been examining.

I was courteously received, and after a conversation of a few minutes on indifferent subjects, I led the way to the business on which I came, by observing that I had once more been authorized to present the olive branch, and hoped it would not be again rejected.

His lordship observed, that he had desired the interview to ascertain, before he submitted my communication of the 16th instant to the prince regent, the form and nature of the powers under which I acted. To satisfy him at once on both these points, I put into his hands your letter of the 27th July. I the more willingly adopted this mode of procedure, as, besides the confidence which its frankness was calculated to produce, the letter itself would best define my authority and prove the moderation and conciliatory temper of my government.

His lordship read it attentively. He then commented at some length both on the shape and substance of my powers. With regard to the former he observed, that all my authority was contained in a letter from the Secretary of State, which, as my diplomatick functions had ceased, appeared but a scanty foundation on which to place the important arrangement I had been instructed to propose. With regard to the extent of my powers, he could not perceive that they essentially differed from those under which I had brought forward the propositions contained in my note of the 24th of August. He considered that to enter with me into the understanding, required as a preliminary to a convention for an armistice, he would be compelled to act on unequal ground, as from his situation, he must necessarily pledge his government, when from the nature of my authority, I could give no similar pledge for

mine. He could not therefore think of committing the British faith and leaving the American government free to disregard its engagements. Besides it did not appear to him, that, at the date of my last instructions, the revocation of the orders in council, on the 23d of June, had been received at Washington, and that great hopes were entertained of the favourable effect such intelligence would produce there. The question of impressment, he went on to observe, was attended with difficulties of which neither I, nor my government appeared to be aware. "Indeed," he continued, "there has evidently been much misapprehension on this subject, and an erroneous belief entertained that an arrangement, in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in Congress, I mean (observing perhaps some alteration in my countenance) those who were opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American government. This error, probably originated with Mr. King, for being much esteemed here, and always well received by the persons then in power, he seems to have misconstrued their readiness to listen to his representations and their warm professions of a disposition to remove the complaints of America, in relation to impressment, into a supposed conviction on their part of the propriety of adopting the plan which he had proposed. But Lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject, to be attended with formidable, if not insurmountable obstacles. This is obvious from a letter which his lordship addressed to sir William Scott at the time." Here lord Castlereagh read a letter, contained in the records before him, in which lord St. Vincent states to sir William Scott, the zeal with which Mr. King had assailed him on the subject of impressment, confesses his own perplexity and total incompetency to discover any practical project for the safe discontinuance of that practice, and asks for counsel and advice. "Thus you see,"

proceeded lord Castlereagh, "that the confidence of Mr. King on this point was entirely unfounded."

The extreme difficulty, if not total impracticability of any satisfactory arrangement for the discontinuance of impressment, is most clearly manifested by the result of the negotiation carried on between Messrs. Monroe and Pinkney and lords Auckland and Holland. The doctrines of which these noblemen had been the advocates, when in opposition, bound them by all the force of consistency to do every thing under their commission for the satisfaction of America, relative to impressment, which the nature of the subject would possibly admit. There were many circumstances, on that occasion, peculiarly propitious to an amicable arrangement on this point, had such an arrangement been, at all, attainable. Both parties accordingly appear to have exhausted their ingenuity in attempting to devise expedients satisfactorily to perform the office of impressment; and nothing can more conclusively demonstrate the inherent difficulty of the matter, and the utter impossibility of finding the expedient which they sought, than that all their labours, pursued on that occasion with unexampled diligence, cordiality and good faith, should have been in vain."

His lordship now turned to a letter in a volume before him, addressed at the close of the negotiation by these commissioners to the American ministers, conceived in the kindest spirit of conciliation, in which they profess the most earnest desire to remove all cause of complaint on the part of America, concerning impressment; regret that their endeavours had hitherto been ineffectual; lament the necessity of continuing the practice, and promise to provide as far as possible against the abuse of it.

"If," resumed his lordship, "such was the result of a negotiation entertained under circumstances so highly favourable, where the powers and the disposition of the parties were limited only by the difficulties of the subject, what reasonable expectation can be encouraged that, in the actual state of things, with your circumscribed and imperfect authority, we can come to a more successful issue? I shall

have to proceed in so weighty a concern with the utmost deliberation and circumspection ; and it will be necessary for me to consult the great law officers of the crown. You are not aware of the great sensibility and jealousy of the people of England on this subject ; and no administration could expect to remain in power that should consent to renounce the right of impressment, or to suspend the practice, without the certainty of an arrangement which should obviously be calculated most unequivocally to secure its object. Whether such an arrangement can be devised is extremely doubtful, but it is very certain that you have no sufficient powers for its accomplishment."

Such was the substance, and, in many parts, the language of his lordship's discourse. To which I replied, that the main object of my powers being to effect a suspension of hostilities, their form could not be material—it was sufficient that they emanated from competent authority, and were distinctly and clearly conferred. That in requiring as a condition to an armistice a clear understanding relative to impressment and other points of controversy between the two countries, it was intended merely to lay the basis of an amicable adjustment, and thereby to diminish the probability of a renewal of hostilities. To come to such an understanding to be in itself informal, and which expressly left the details of the points which it embraced to be discussed and adjusted by commissioners to be hereafter appointed, was certainly within the instructions which I had received, and I could of course thus far pledge my government for its observance. I did not acknowledge the force of his objection, predicated on the inequality of our respective powers, nor perceive how the British faith would be particularly committed. The faith of both governments would be equally committed for whatever was done under their respective authority—and although his lordship might have power to go beyond the armistice and understanding for which I was instructed, yet there was no necessity for doing so ; and while we acted within those limits we stood on equal ground.—And were it otherwise, yet, as the promise of the one party would be the sole consideration for

the promise of the other, should either fail in the performance of its engagements, the other would necessarily be discharged, and the imputation of bad faith could alone attach to the first delinquent. Nor was I dismayed at the very formidable difficulties with which he had thought proper to array the subject of impressment; and, although willing to acknowledge my inferiority to the American negotiators who had preceded me in the matter, yet I was not disposed on account of their failure to shrink from the discharge of a duty imposed on me by my government. To me indeed the whole question appeared much less alarming than his lordship had described it to be—and that if Mr. King had really been mistaken with regard to the near completion of an adjustment, his lordship must, on an attention to the *whole correspondence* at the time, acquit him from the imputation of any excessive want of penetration.

As to the supposed ignorance in America of the revocation of the orders in council, at the time my instructions were dated, I observed, that if this ignorance did in fact exist, yet, from certain expressions in those instructions, an expectation of such a measure seems to have been confidently entertained, and the orders in council appeared no longer to form an obstacle to a reconciliation. However this might be, it ought not to be supposed that the American government would be ready to abandon one main point for which it contended, merely because it had obtained another which was generally considered to be of minor importance, and to submit to the continuance of impressment on account of the discontinuance of the orders in council. At any rate having authorized me to propose terms of accommodation here, it would probably wait for information concerning the manner in which they had been received, before it would consent to more unfavourable conditions. In the mean time the war would be prosecuted, and might produce new obstacles to a pacifick arrangement. I was happy to learn that the failure of a former negotiation concerning impressment could not be ascribed to a want of sincerity and moderation in the American govern-

ment, and I hoped the mode now suggested for securing to Great Britain her own seamen might remove the difficulties which had hitherto embarrassed this question. If the people of England were so jealous and sensitive with regard to the exercise of this harsh practice, what ought to be the feelings of the people of America, who were the victims of it? In the United States this practice of impressment was considered as bearing a strong resemblance to the slave trade; aggravated indeed, in some of its features, as the negro was purchased, already bereft of his liberty, and his slavery and exile were at least mitigated by his exemption from danger, by the interested forbearance of his task-master, and the consciousness that, if he could no longer associate with those who were dear to him, he was not compelled to do them injury; while the American citizen is torn without price, at once, from all the blessings of freedom, and all the charities of social life, subjected to military law, exposed to incessant perils, and forced at times, to hazard his life in despoiling or destroying his kindred and countrymen. It was matter of astonishment, that while Great Britain discovered such zeal for the abolition of the traffick in the barbarous and unbelieving natives of Africa, as to endeavour to force it on her reluctant allies, that she should so obstinately adhere to the practice of impressing American citizens, whose civilization, religion and blood, so obviously demanded a more favourable distinction.

I next pointed out to his lordship, the difference between the propositions, which I now submitted, and those contained in my note of the 24th of August. That although the object of both was essentially the same, there was great diversity in the manner of obtaining it. The discontinuance of the practice of impressment, which was before required to be immediate, and to constitute a formal preliminary to an armistice, was now deferred to commence coterminously with the operation of the law of the United States, prohibiting the employment of British seamen, and was consigned, with the other conditions, to a separate and informal arrangement. In this way it was



no doubt intended, by respecting the feelings of the British government, to obviate any objection which might have been the mere suggestion of its pride.

I finally offered, in order to answer at once all the observations and inquiries of lord Castlereagh, that the proposed understanding should be expressed in the most *general terms*—that the laws, to take effect on the discontinuance of the *practice* of impressment, should prohibit the employment of the *native* subjects or citizens of the one state, excepting such only as had already been naturalized, on board the private or publick ships of the other; thus removing any objection that might have been raised with regard to the future effect of naturalization, or the formal renunciation of any pretended right. With regard to blockades, I proposed to follow the same course, and only to agree that none should be instituted by either party, which were not conformable to the acknowledged laws of nations, leaving the definition of such blockade, and all other details, to be settled by the commissioners in the definitive treaty.

I was disappointed and grieved to find that these propositions, moderate and liberal as they were, should be treated in a manner which forbid me to expect their acceptance. I was even asked by Mr. Hamilton, if the United States would *deliver up* the native British seamen who might be naturalized in America. Although shocked at this demand, I mildly replied, that such a procedure would be disgraceful to America, without being useful to Great Britain—that the habits of seamen were so peculiarly unaccommodating that no one would patiently go through the long probation required by law, to become the citizen of a country where he could not pursue his professional occupations; and that not to employ him in this way would be virtually to surrender him to Great Britain.

I was disposed to believe, however, that a reciprocal arrangement might be made for giving up deserters from publick vessels.

Here, perhaps, I owe an apology to my government for having, without its precise commands, hazarded the over-

ture above mentioned, relative to British subjects who may hereafter become citizens of the United States. In taking this step, however, I persuaded myself that I did not trespass against the spirit of the instructions which I had received; and had the proposition been accepted, I should not have been without all hope that it would have been approved by the President, as its prospective operation would have prevented injustice, and its reciprocity disgrace. Should I, however, urged by too great a zeal to produce an accommodation, have mistaken herein the intentions of the President, I still should have derived some consolation from reflecting, that this proposition, thus frankly and explicitly made, afforded an opportunity of satisfactorily testing the disposition of this government, and might be useful in removing much misconception and error. The refusal, indeed, of this proposition, sufficiently explains the view with which I was assailed with the ostentatious parade of the abortive negotiations relative to impressment; the exaggeration of its pretended difficulties; the artificial solemnity given to its character; the affected sensibility to the popular sentiment concerning it; and the fastidious exceptions taken to my powers; and proves most unequivocally the predetermination of the British government to reject, at this time, every overture for the discontinuance of this degrading practice.

Most unfeignedly desiring to suspend the existing hostilities between the two states, with a reasonable prospect of finally terminating them in a manner honourable to both, I perhaps pressed with too much earnestness the adoption of the arrangement which I was instructed to propose; for lord Castlereagh once observed, somewhat loftily, that if the American government was so anxious *to get rid of the war*, it would have an opportunity of doing so on learning the revocation of the orders in council. I felt constrained on this occasion to assure his lordship, that the anxiety of the American government *to get rid of the war*, was only a proof of the sincerity with which it had constantly sought to avoid it; but that no event had occurred, or was apprehended, to increase this anxiety. His lordship, cor-

recting his manner, rejoined, that it was not his intention to say any thing offensive, but merely to suggest, that if the American government sincerely wished for a restoration of the friendly relations between the two countries, it would consider the revocation of the orders in council as affording a fair occasion for the attainment of that object. After a pause of a few moments, he added, that if the United States did not avail themselves of this occasion, not only to put an end to the war which they had declared, but to perform the conditions on which those orders were revoked, that the orders would, of course, revive. I could not forbear to remind his lordship, that when I took this view of the subject, in my note of the 24th of August, he had found it to be *incorrect*; but I hoped that now I was so fortunate as to agree with him on this point, some provision would be made, in case the terms proposed for an armistice should be accepted, to prevent the revival of those edicts. His lordship attempted to explain, but I could not distinctly seize his meaning.

The conversation ended with an assurance on the part of his lordship, that he would, with as little delay as possible, communicate officially to me the decision of the prince regent; and I took my leave, forbidden to hope, that while the present councils, and the present opinion of the American people prevail here, this decision will be favourable.

I have the honour to be, &c.

(Signed)

JONA. RUSSELL.

His Excellency JAMES MONROE, &c.

REPORT

OF THE COMMITTEE ON FOREIGN RELATIONS, RELATIVE TO THE
CAUSES OF WAR WITH GREAT BRITAIN. JAN. 29, 1813.

THE committee to whom was referred so much of the President's message of the fourth day of November last, as relates to our foreign affairs, report, in part:

That in presenting to the house, at this time, a view of our relations with Great Britain, it is deemed unnecessary

to recite the causes which produced the war. The wrongs which the United States had received from that power, for a long series of years, have already been laid before the publick, and need not again be enumerated: they were too deeply felt to have been forgotten, although they may be forgiven by the American people. The United States having engaged in the war for the sole purpose of vindicating their rights and honour, that motive alone should animate them to its close. It becomes a free and virtuous people to give a useful example to the world. It is the duty of a representative government to render a faithful account of its conduct to its constituents. A just sensibility to great and unprovoked wrongs and indignities, will justify an appeal to arms: an honourable reparation should restore the blessings of peace: every step which they take should be guided by a sacred regard to principle.

To form a correct estimate of the duties which the United States have to perform, it is necessary to take a view of the communications which have passed between the executive of the United States and the British government since the declaration of war. Such a view, the committee is persuaded, will show distinctly the existing ground of controversy between the two nations, and the indispensable obligation on the United States to maintain it.

Your committee has seen with much satisfaction, that at the moment of the declaration of war, the attention of the executive was engaged in an effort to bring it to a speedy and honourable termination. As early as the twenty-sixth of June last, the charge des affaires of the United States at London, was instructed to propose to the British government an armistice, to take immediate effect, on conditions which it is believed the impartial world will consider safe, honourable, and advantageous to Great Britain. They were few in number and limited to positive wrongs daily practised. That the orders in council should be repealed, and that our flag should protect our seamen, were the only indispensable conditions insisted on. Other wrongs, however great, were postponed for amicable negotiation. As an inducement to the British government to forbear these

wrongs, it was proposed to repeal the non-importation law, and to prohibit the employment of British seamen, in the publick and private vessels of the United States: particular care was taken, that these propositions should be made in a form as conciliatory as they were amicable in substance.

Your committee cannot avoid expressing its astonishment at the manner in which they were received. It was not sufficient to reject the proposed armistice, terms of peculiar reproach and insult were adopted to make the rejection offensive.

It happened, that almost on the same day on which the United States, after having been worn out with accumulated wrongs, had resorted to the last and only remaining honourable alternative, in support of their rights, the British government had repealed conditionally its orders in council. That measure was unexpected, because every previous application for it had failed, although repeated to the very moment it was decided on. Conditional as the repeal was, it was admitted to have removed a great obstacle to accommodation. The other only remained, the practice of impressment. It was proposed to the British government to open an amicable negotiation to provide a substitute to it, which should be considered an ample equivalent. The substitute proposed was defined, and of a character so comprehensive as to have removed, as was presumed, every possible objection to an accommodation. The proposition before made to exclude British seamen from our service was enlarged, so as to comprehend all native British subjects not already naturalized or entitled to naturalization under the laws of the United States. This was likewise rejected.

Your committee have sought with anxiety some proof of a disposition in the British government to accommodate, on any fair condition, the important difference between the two nations, relative to impressment; but they have sought in vain: none is to be found either in the communications of the British minister to the American charge des affaires at London, or in those of the commander of the British

naval forces at Halifax, made by order of his government to the department of state. They have seen with regret, that although lord Castlereagh professed a willingness in his government to receive and discuss amicably any proposition having in view, either to check abuse in the practice of impressment, or to provide a substitute to it, he not only declined entering into a negotiation for the purpose, but discountenanced the expectation that any substitute could be proposed, which his government would accept. It merits notice also, though it ceased to be a cause of surprise, that in the communication of admiral Warren to the department of state, the subject of impressment was not even alluded to.

Had the executive consented to an armistice on the repeal of the orders in council, without a satisfactory provision against impressment, or a clear and distinct understanding with the British government to that effect, in some mode entitled to confidence, your committee would not have hesitated to disapprove it.

The impressment of our seamen being deservedly considered a principal cause of the war, the war ought to be prosecuted until that cause was removed. To appeal to arms in defence of a right, and to lay them down without securing it, or a satisfactory evidence of a good disposition in the opposite party to secure it, would be considered in no other light than a relinquishment of it. To attempt to negotiate afterwards for the security of such right, in the expectation that any of the arguments which had been urged before the declaration of war and been rejected, would have more weight after that experiment had been made in vain, would be an act of folly which would not fail to expose us to the scorn and derision of the British nation and of the world.

On a full view, therefore, of the conduct of the executive in its transactions with the British government, since the declaration of war, the committee consider it their duty to express their entire approbation of it. They perceive in it a firm resolution to support the rights and honour of their country, with a sincere and commendable disposition

to promote peace on such just and reasonable conditions as the United States may, with safety, accept.

It remains, therefore, for the United States to take their final attitude with Great Britain, and to maintain it with consistency, and with unshaken firmness and constancy. The manner in which the friendly advances and liberal propositions of the executive have been received by the British government, has in a great measure extinguished the hope of amicable accommodation. It is, however, possible, that the British government, after instructing admiral Warren to communicate to the department of state the repeal of the orders in council, may have declined the arrangement proposed by Mr. Russell, in the expectation that *that measure* would have been satisfactory to the United States. Be this as it may, your committee consider it the duty of this house to explain to its constituents the remaining cause of controversy, the precise nature of that cause, and the high obligation which it imposes.

From what has been stated it appears, that however great the sensibility to other wrongs, the impressment of our seamen was that alone which prevented an armistice, and in all probability an accommodation. Had that great interest been arranged in a satisfactory manner, the President was willing to rely on the intrinsic justice of other claims, and the amicable spirit in which the negotiation would have been entered into, for satisfaction in their favour. Great Britain claims a right to impress her own seamen and to exercise it in American vessels. In the practice, British cruisers impress American citizens, and from the nature of things, it is impossible that that abuse should not be carried to great extent. A subaltern, or any other officer of the British navy, ought not to be the arbiter in such a case. The liberty and the lives of American citizens ought not to depend on the will of such a party.

The British government has insisted that every American citizen should carry with him the evidence of his citizenship, and that all those not possessed of it might be impressed. This criterion, if not otherwise objectionable, would be so, as the document might be lost, destroyed or

taken from the party to whom it was granted, nor might it in all cases be entitled to respect, as it might be counterfeited, transferred or granted to improper persons. But this rule is liable to other and much stronger objections. On what principle does the British government claim of the United States so great and shameful a degradation? Ought the free citizens of an independent power to carry with them on the main ocean, and in their own vessels, the evidence of their freedom? and are all to be considered British subjects and liable to impressment who do not bear with them that badge? Is it not more consistent with every idea, both of publick as well as of private right, that the party setting up a claim to any interest, whether it be to persons or property, should prove his right? What would be the conduct of Great Britain under similar circumstances? Would she permit the publick ships of any other power, disregarding the rights of her flag, to enter on board her merchant vessels, take from them such part of their crews as the boarding officers thought fit, often her own subjects, exposing, by means thereof, their vessels to destruction? Would she suffer such an usurpation to derive any sanction from her patient forbearance?

With the British claim to impress British seamen, the United States have no right to interfere, provided it be in British vessels or in any other than those of the United States. That American citizens should be exempted from its operation is all that they demand. Experience has shown that this cannot be secured otherwise than by the vessel in which they sail. Take from American citizens this barrier, which ought to be held sacred, and there is nothing to protect them against the rapacious grasp of the British navy. This then is the extent of the demand of the United States; a demand so just in itself, so consistent and inseparable from their rights as an independent nation, that it has been a cause of astonishment that it should ever have been called in question. The foundation of the British claim is, that British seamen find employment in the service of the United States: this is represented as an evil affecting essentially the great interests of the British nation.

This complaint would have more weight, if sanctioned by the British example. It is known, on the contrary, that it is in direct repugnance to it. Great Britain does not scruple to receive into her service all who enter into it voluntarily. If she confined herself within that limit, the present controversy would not exist. Heretofore the subjects of even the most despotick powers have been left at liberty to pursue their own happiness, by honest industry, wherever their inclination led them. The British government refuses to its seamen that privilege. Let not this, then, be a ground of controversy with Great Britain. Let it be distinctly understood, that in case an arrangement should be made between the two nations, whereby each should exclude from its service the citizens and subjects of the other, on the conditions and principles above stated, that this house will be prepared so far as depends on it, to give it effect, and for that purpose to enact laws with such regulations and penalties as will be adequate. With this pledge, it is not perceived on what ground the British government can persist in its claim. If British seamen are excluded from the service of the United States, as may be effectually done, the foundation of the claim must cease. When it is known that not one British seaman could be found on board American vessels, it would be absurd to urge that fact as a motive for impressment.

In declaring a willingness to give effect to the proposed arrangement, your committee consider it equally the duty of the house to declare, in terms the most decisive, that should the British government still decline it, and persevere in the practice of impressment from American vessels, the United States will never acquiesce in that practice, but will resist it unceasingly with all their force. It is not necessary now to inquire what the course would have been with respect to impressment, in case the orders in council had been repealed before the declaration of war, or how long the practice of impressment would have been borne, in the hope that that repeal would have been followed by a satisfactory arrangement with respect to impressment.

War having been declared, and the case of impressment being necessarily included as one of the most important causes, it is evident that it must be provided for in the pacification : the omission of it in a treaty of peace would not leave it on its former ground : it would, in effect, be an absolute relinquishment ; an idea, at which the feelings of every American must revolt. The seamen of the United States have a claim on their country for protection, and they must be protected. If a single ship is taken at sea, and the property of an American citizen wrested from him unjustly, it rouses the indignation of the country. How much more deeply then ought we to be excited, when we behold so many of this gallant and highly meritorious class of our fellow citizens snatched from the bosom of their families and of their country, and carried into a cruel and afflicting bondage. It is an evil which ought not, which cannot be longer tolerated. Without dwelling on the sufferings of the victims, or on that wide scene of distress which it spreads among their relatives through the country, the practice in itself is, in the highest degree, degrading to the United States as a nation. It is incompatible with their sovereignty. It is subversive of the main pillars of their independence. The forbearance of the United States under it has been mistaken for pusillanimity.

The British pretension was maturing fast into a right. Had resistance been longer delayed, it might have become one. Every administration remonstrated against it, in a tone which bespoke the growing indignation of the country. Their remonstrances produced no effect. It was worthy the illustrious leader of our armies, when called by the voice of his country to the head of the government, to pause, rather than to recommend to his fellow citizens a new war, before they had recovered from the calamities of the late one. It was worthy his immediate successors to follow his example.

In peace our free system of government would gain strength, and our happy union become consolidated : but, at the last session, the period had arrived when forbear-

ance could be no longer justified. It was the duty of Congress to take up this subject in connection with the other great wrongs of which they complained, and to seek redress in the only mode which became the representatives of a free people. They have done so by appealing to arms, and that appeal will be supported by their constituents.

Your committee are aware that an interesting crisis has arrived in the United States; but they have no painful apprehension of its consequences. The course before them is direct. It is pointed out equally by a regard to the honour, the rights, and the interests of the nation. If we pursue it with firmness and vigour, relying on the aid of heaven, our success is inevitable.

Our resources are abundant; the people are brave and virtuous, and their spirit unbroken. The gallantry of our infant navy bespeaks our growing greatness on that element; and that of our troops, when led to action, inspires full confidence of what may be expected from them when their organization is complete. Our union is always most strong when menaced by foreign dangers; the people of America are never so much one family, as when their liberties are invaded.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO CONGRESS. FEB. 24, 1813.

I LAY before congress copies of a proclamation of the British lieutenant governour of the Island of Bermuda, which has appeared under circumstances leaving no doubt of its authenticity. It recites a British order in council of the 26th of October last, providing for the supply of the British West Indies and other colonial possessions, by a trade under special licenses; and is accompanied by a circular instruction to the colonial governours, which confines

licensed importations from ports of the United States, to the ports of the eastern states exclusively.

The government of Great Britain had already introduced into her commerce during war, a system, which, at once violating the rights of other nations, and resting on a mass of forgery and perjury unknown to other times, was making an unfortunate progress in undermining those principles of morality and religion, which are the best foundation of national happiness.

The policy now proclaimed to the world, introduces into her modes of warfare, a system equally distinguished by the deformity of its features, and the depravity of its character; having for its object to dissolve the ties of allegiance and the sentiments of loyalty in the adversary nation, and to seduce and separate its component parts, the one from the other.

The general tendency of these demoralizing and disorganizing contrivances, will be reprobated by the civilized and christian world; and the insulting attempt on the virtue, the honour, the patriotism, and the fidelity of our brethren of the eastern states, will not fail to call forth all their indignation and resentment; and to attach more and more all the states to that happy union and constitution, against which such insidious and malignant artifices are directed.

The better to guard, nevertheless, against the effect of individual cupidity and treachery, and to turn the corrupt projects of the enemy against himself, I recommend to the consideration of Congress the expediency of an effectual prohibition of any trade whatever, by citizens or inhabitants of the United States, under special licenses, whether relating to persons or ports; and in aid thereof a prohibition of all exportations from the United States in foreign bottoms, few of which are actually employed; whilst multiplying counterfeits of their flags and papers are covering and encouraging the navigation of the enemy.

JAMES MADISON.

[From the Bermuda Gazette of January 16.]

BERMUDA, alias SOMERS' ISLANDS.

*By his Excellency Brigadier General George Horsford,
Lieutenant Governour and Commander in Chief, in and
over these Islands, &c. &c. &c.*

A PROCLAMATION.

WHEREAS I have received a copy of his royal highness the prince regent's order in council, bearing date at the court at Carlton house, the 26th of October, 1812, which order is in the words following, viz.

“Whereas during the late and present war, emergencies have at various times arisen, essentially affecting the necessary supply of the British West India islands, and of lands and territories belonging to his majesty on the continent of South America, and it has been found expedient and necessary, for the trade and commerce of said islands, lands, &c. and for the support of the inhabitants thereof, further to extend, for a limited time, the importation into, and exportation from, the said islands, lands, and territories, his royal highness the prince regent, in the name and on the behalf of his majesty, is pleased, by and with the advice of his majesty's privy council, to authorize and empower the governour or lieutenant governour of any of the islands or territories in the West Indies, (in which description the Bahama islands and the Bermuda or Somers' islands are included) and of any of the lands or territories on the continent of South America, to his majesty belonging; and they are hereby respectively authorized and empowered to permit, until the 30th day of June, 1813, the importation into the said islands, lands and territories, respectively, of staves and lumber, horses, mules, asses, neat cattle, sheep, hogs, and every other species of live stock and live provisions, and also of every other kind of provisions whatsoever, (beef, pork, butter, salted, dried and pickled fish excepted,) in any unarmed ship or vessel not belonging to France, or to the subjects or inhabitants thereof, or

of any port or place annexed to the territories of France, under the license of the said respective governour or lieutenant governour, which are hereby empowered to grant in his majesty's name, subject to such instructions as his royal highness the prince regent, in the name and on the behalf of his majesty, shall, from time to time, think fit to issue, to be signified by one of his majesty's principal secretaries of state ; and also to permit, under licenses to be granted as aforesaid, the exportation from the said islands, lands and territories, into which such importation as aforesaid shall be made, and in the ships aforesaid in which such importations shall have been made, of rum and molasses, and of any other goods and commodities whatsoever, except sugar, indigo, cotton wool, coffee and cocoa : Provided, that such ships or vessels shall duly enter into, report and deliver their respective cargoes, and reload at such ports only where regular custom houses shall have been established. But it is his royal highness' pleasure, nevertheless, and his royal highness, in the name and on behalf of his majesty, and by and with the advice aforesaid, is pleased to order, and it is hereby ordered, that nothing herein before contained shall be construed to permit the importation of staves, lumber, horses, mules, asses, neat cattle, sheep, hogs, poultry, live stock, live provisions, or any kind of provisions whatever, as aforesaid, into any of the said islands, lands or territories in which there shall not be, at the time when such articles shall be brought for importation, the following duties on such articles of the growth or produce of the United States of America, namely :

On wheat flour, per barrel, not weighing more than one hundred and ninety-six pounds, neat weight, £. 0 5 8

On bread or biscuit of wheat flour, or any other grain, per barrel, not exceeding more than one hundred pounds weight, 0 3 4

On bread, for every hundred pounds, made from wheat, or any other grain whatever, imported in bags or other packages than barrels, weighing as aforesaid, 0 3 4

On flour or meal made from rye, peas, beans,

Indian corn, or other grain than wheat, per barrel, not weighing more than one hundred and ninety-six pounds, £. 0 3 4

On peas, beans, rye, Indian corn, callivances or other grain, per bushel, 0 0 10

On rice, for every one hundred pounds, neat weight, and so in proportion for a less or larger quantity, 0 3 4

On shingles, called Boston chips, not more than twelve inches in length, per thousand, 0 3 4

On shingles, being more than twelve inches in length, per thousand, 0 6 8

For every twelve hundred, commonly called one thousand, red oak staves, 1 0 0

For every twelve hundred, commonly called one thousand, white oak staves, and for every one thousand pieces of heading, 0 15 0

For every one thousand feet of white or yellow pine lumber, of all descriptions, 0 10 0

For every thousand feet of pitch pine lumber, 0 15 0

For all other kinds of wood or timber, not before enumerated, 0 15 0

For every thousand wood hoops, 5 0

And in proportion for a less or larger quantity of all and every of the articles enumerated.

Horses, neat cattle, and other live stock, for every hundred pounds of the value thereof, at the port or at the place of importation, 10 0 0

And whereas, I have deemed it expedient and necessary to make known and publish the same within this his majesty's government : I do therefore issue this my proclamation to the end that all persons whom it doth or may concern, being duly apprized thereof, may govern themselves accordingly.

Given under my hand, and the great seal of the islands, this 14th day of January, 1813, and in the 53d year of his majesty's reign. **GEORGE HORSFORD.**

By his excellency's command,

ROBERT KENNEDY.

God save the king.

[CIRCULAR.]

Downing Street, November 9, 1812.

SIR,

I HAVE the honour of enclosing an order of council, which has been judged expedient to issue, in consequence of the existing hostilities between his majesty and the United States of America. By this order you are authorized to grant licenses for importation of certain articles enumerated in the order, and for the exportation of certain articles enumerated in the order, and for the exportation of certain articles in the same order, in the ships in which the importation shall be made.

This intercourse is to be subject to the condition stated in the order, and such instructions as you may from time to time receive from one of his majesty's principal secretaries of state. I am commanded by his royal highness the prince regent to signify to you that in granting the licenses for importation of the above enumerated articles, you take care that the articles so to be imported, be severally enumerated in the body of the license; that the port or place from whence the importation is to be made, and the port to which the vessel is bound, is also to be inserted in the body of the license.

That if the person applying for the license shall not be able to state the name of the vessel on board of which the proposed importation is to be made, the condition of the license should be, that the name of the vessel, the name of the master, her tonnage and her national character be endorsed on the license on quitting her port of clearance, and that the condition of her license should also be, that she proceed direct for the port of her destination.

Although the order in council authorizes you to permit the importations of the enumerated articles in any vessels not French, you will not grant these licenses to any except to vessels in amity with his majesty, unless you are convinced that the island will be exposed to serious embarrassments by so confining the importation in question.

Whatever importations are proposed to be made, under the order, from the United States of America, should be by your licenses confined to the ports of the EASTERN

STATES EXCLUSIVELY, unless you have reason to suppose that the object of the order would not be fulfilled if licenses are not also granted for the importations from the other ports in the United States.

With respect to the licenses for exportation on board the vessels in which an importation shall have been previously made, you will observe that the order does not require that the port of destination in such case shall be the same as that from whence the importation had been made, but you will take care that in the body of the license be inserted the name of the vessel, her tonnage, the name of the master, and her national character, the port of clearance and the port of destination; and that the cargo be described in the body of the license, according to the words of the order, viz. rum, molasses, or any other goods and commodities whatsoever, except sugar, indigo, cotton wool, coffee and cocoa.

You will take care that the term of the import license does not exceed the term of the order on which it is granted, and that you do not issue any license for exportation under this order, after that period.

The fee payable for each license is not in any case to exceed the sum of one pound one shilling.

I have the honour to be, sir, &c.

(Signed) _____

To Lt. Col. Governour HARCOURT, &c. &c.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
HOUSE OF REPRESENTATIVES. MARCH 3, 1813.

I TRANSMIT to the House of Representatives a Report of the Secretary of State complying with their resolution of the first instant.

JAMES MADISON.

THE Secretary of State to whom was referred the resolution of the House of Representatives of the 1st instant, has the honour to submit to the President the enclosed papers, marked A and B.

All which is respectfully submitted.

JAMES MONROE.

Department of State, March 3, 1813.

(A.)

Extract of a Letter from Joel Barlow, Esq. to the Secretary of State, dated Paris, May 2, 1812.

“ I HAVE the honour to enclose herewith the copy of my note of yesterday to the duke of Bassano. The importance of the objects and the urgency of the occasion I hope will justify the solicitude with which I have pressed the propositions.

The result, as far as it may be known within a few days, shall be transmitted by the Wasp. The Hornet sailed from Cherbourg the 26th April, with orders to land a messenger in England, with my despatches for Mr. Russell, but not to wait a return from London.

[Enclosed in Mr. Barlow's letter of May 2, 1812, to the Secretary of State.]

Extract of a Letter from Joel Barlow, Esq. to the Duke of Bassano, dated Paris, May 1, 1812.

IN the note I had the honour to address your excellency on the 10th of November last, the spirit of the English government was so far noticed as to anticipate the fact now proved by experience, that its orders in council violating the rights of neutrals, would not be revoked. The declaration of the prince regent of the 21st of April, has placed that fact beyond all question. In doing this he has repeated the assertion so often advanced by his ministers and judges, that the decrees of France of a similar character are likewise unrevoked.

You will notice that he finds a new argument for this conclusion in your excellency's late report to the em-

perour concerning neutral rights, in which you avoid taking notice of any repeal or modification of these decrees, or of their non-application to the United States. We know indeed that they do not apply to the United States, because we do not suffer our flag to be denationalized in the manner evidently contemplated by the emperor in the rule he meant to establish. But it would have been well if your excellency had noticed their non-application to the United States, since his majesty has uniformly done it in his decisions of prize causes since November, 1810.

“ It is much to be desired that the French government would now make and publish an authentic act, declaring the Berlin and Milan decrees, as relative to the United States, to have ceased in November, 1810, declaring that they have not been applied in any instance, since that time, and that they shall not be so applied in future.

“ The case is so simple, the demand so just, and the necessity so urgent, that I cannot withhold my confidence in the prompt and complete success of my proposition.”

Extract of a Letter from Mr. Barlow to Mr. Monroe, dated Paris, May 12, 1812.

“ AFTER the date of my letter, of which I have the honour to enclose you a copy, I found from a pretty sharp conversation with the duke of Bassano, that there was a singular reluctance to answering my note of the 1st of May. Some traces of that reluctance you will perceive in the answer which finally came, of which a copy is here enclosed. This, though dated the 10th, did not come to me till last evening. I consider the communication to be so important in the present crisis of our affairs with England that I despatch the Wasp immediately, to carry it to Mr. Russell, with orders to return with his answer as soon as possible. I am confident that the President will approve the motive of my solicitude in this affair, and the earnest manner in which I pressed the minister with it as soon as my knowledge of the declaration of the prince regent enabled me to use the argument that belonged to the subject.

When, in the conversation above alluded to, the duke first produced to me the decree of the 28th of April, 1811, I made no comment on the strange manner in which it had been so long concealed from me, and probably from you. I only asked him if that decree had been published. He said, no, but declared it had been communicated to my predecessor here, and likewise sent to Mr. Serurier, with orders to communicate it to you. I assured him it was not among the archives of this legation; that I never before had heard of it; and since he had consented to answer my note, I desired him to send to me in that official manner a copy of that decree, and of any other documents that might prove to the incredulous of my country (not to me) that the decrees of Berlin and Milan were in good faith and unconditionally repealed with regard to the United States. He then promised me he would do it, and he has performed his promise.

I send you a copy of the April decree, as likewise the letter of the grand judge, and that of the minister of finances: though the two latter pieces have been before communicated to our government and published."

The Duke of Bassano to Mr. Barlow.

[TRANSLATION.]

Paris, May 10, 1812.

SIR,

IN conversing with you about the note which you did me the honour to address to me on the 1st of May, I could not conceal from you my surprise at the doubt which you had expressed in that note, respecting the revocation of the decrees of Berlin and Milan. That revocation was proven by many official acts, by all my correspondence with your predecessors and with you, by the decisions in favour of American vessels. You have done me the honour to ask a copy of the letters which the grand judge and the minister of the finances wrote on the 25th December, 1810, to secure the first effects of that measure, and you have said, sir, that the decree of the 28th of April, 1811, which

proves definitively the revocation of the decrees of Berlin and Milan in regard to the Americans, was not known to you.

I have the honour to send you, as you have desired, a copy of these three acts. You will consider them, without doubt, sir, as the plainest answer, which I could give to this part of your note. As to the two other questions to which that note relates, I will take care to lay them before the emperor. You know already, sir, the sentiments which his majesty has expressed in favour of American commerce, and the good dispositions which have induced him to appoint a plenipotentiary to treat with you on that important interest. Accept, sir, &c.

(Signed) THE DUKE OF BASSANO.

[TRANSLATION.]

Palace of St. Cloud, April 28, 1811.

NAPOLEON, emperor of the French, &c. &c. On the report of our minister of foreign relations.

Seeing by a law passed on the 2d March, 1811, the Congress of the United States has ordered the execution of the provisions of the act of non-intercourse, which prohibits the vessels and merchandise of Great Britain, her colonies and dependencies, from entering into the ports of the United States.

Considering that the said law is an act of resistance to the arbitrary pretensions, consecrated by the British orders in council, and a formal refusal to adhere to a system invading the independence of neutral powers, and of their flag, we have decreed, and do decree as follows :

The decrees of Berlin and Milan are definitively, and to date from the first day of November last, considered as not having existed (*non avenues*) in regard American vessels.

(Signed) NAPOLEON.

By the emperor.

The minister, secretary of state.

(Signed) THE COUNT DARU.

(B.)

*Mr. Barlow to the Secretary of State. Paris, Oct. 25,
1812.*

SIR,

By the letters from the duke of Bassano and my answer, copies of which are herewith enclosed, you will learn that I am invited to go to Wilna, and that I have accepted the invitation. Though the proposal was totally unexpected, and on many accounts disagreeable, it was impossible to refuse it without giving offence, or at least risking a postponement of a negotiation which I have reason to believe is now in a fair way to a speedy and advantageous close.

From the circumstances which have preceded and which accompany this proposition, I am induced to believe that it is made with a view of expediting the business. There may, indeed, be an intention of coupling it with other views not yet brought forward. If so, and they should extend to objects beyond the simplicity of our commercial interests, and the indemnities which we claim, I shall not be at a loss how to answer them.

I shall have the honour to write you, as soon as possible, from Wilna, and shall return to Paris without any unnecessary delay. I remain, &c.

(Signed)

J. BARLOW.

[TRANSLATION.]

*The Duke of Bassano to Mr. Barlow. Wilna, Oct. 11,
1812.*

SIR,

I HAVE had the honour to make known to you how much I regretted, in the negotiation commenced between the United States and France, the delays which inevitably attended a correspondence carried on at so great a distance. Your government has desired to see the epoch of this arrangement draw near. His majesty is animated by the same dispositions, and willing to assure to the negotiation a result the most prompt, he has thought that it would be expedient to suppress the intermediaries and to transfer the conference to Wilna. His majesty has in conse-

quence authorized me, sir, to treat directly with you. If you will come to this town, I dare hope, that with the desire which animates us both to conciliate such important interests, we will immediately be enabled to remove all the difficulties which until now have appeared to impede the progress of the negotiation.

I have apprized the duke of Dalberg that his mission was thus terminated, and I have laid before his majesty the actual state of the negotiation, to the end that when you arrive at Wilna the different questions being already illustrated (*eclaircies*), either by your judicious observations, or by the instructions I shall have received, we may, sir, conclude without delay an arrangement so desirable and so conformable to the mutually amicable views of our two governments. Accept, sir, &c.

(Signed) THE DUKE OF BASSANO.

[EXTRACT.]

Mr. Barlow to the Duke of Bassano. Paris, Oct. 25, 1812.

SIR,

IN consequence of the letter you did me the honour to write me on the 11th of this month, I accept your invitation, and leave Paris to-morrow for Wilna, where I hope to arrive in 15 or 18 days from this date. My secretary of legation and one servant will compose all my suite. I mention this to answer to your extreme goodness in asking the question, and your kind offer of finding me a convenient lodging. I hope the trouble you will give yourself in this will be as little as possible.

The negotiation on which you have done me the honour to invite me at Wilna, is so completely prepared in all its parts between the duke of Dalberg and myself, and, as I understand, sent on to you for your approbation about the 18th of the present month, that I am persuaded, if it could have arrived before the date of your letter, the necessity of this meeting would not have existed, as I am confident that his majesty would have found the project reasonable and acceptable in all its parts, and would have ordered that minister to conclude and sign both the treaty of commerce and the convention of indemnities."

INAUGURAL ADDRESS,

OF THE PRESIDENT OF THE UNITED STATES. MARCH 4,
1813.

ABOUT to add the solemnity of an oath to the obligations imposed by a second call to the station, in which my country heretofore placed me, I find, in the presence of this respectable assembly, an opportunity of publicly repeating my profound sense of so distinguished a confidence, and of the responsibility united with it. The impressions on me are strengthened by such an evidence, that my faithful endeavours to discharge my arduous duties have been favourably estimated; and by the consideration of the momentous period at which the trust has been renewed. From the weight and magnitude now belonging to it, I should be compelled to shrink, if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction, that the war with a powerful nation, which forms so prominent a feature in our situation, is stamped with that justice, which invites the smiles of heaven on the means of conducting it to a successful termination.

May we not cherish this sentiment, without presumption, when we reflect on the characters by which this war is distinguished?

It was not declared on the part of the United States, until it had been long made on them, in reality, though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been received, that the wrongs provoking it would not be discontinued; nor until this last appeal could no longer be delayed, without breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions; and either perpetuating a state of disgraceful suffering, or regaining, by more costly sacrifices and more severe struggles, our lost rank and respect among independent powers:

On the issue of the war are staked our national sovereignty on the high seas, and the security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake, is to surrender our equality with other powers, on the element common to all; and to violate the sacred title, which every member of the society has to its protection. I need not call into view the unlawfulness of the practice, by which our mariners are forced, at the will of every cruising officer, from their own vessels into foreign ones, nor paint the outrages inseparable from it. The proofs are in the records of each successive administration of our government; and the cruel sufferings of that portion of the American people have found their way to every bosom not dead to the sympathies of human nature.

As the war was just in its origin, and necessary and noble in its objects, we can reflect with a proud satisfaction, that, in carrying it on, no principle of justice or honour, no usage of civilized nations, no precept of courtesy or humanity, have been infringed. The war has been waged on our part, with scrupulous regard to all these obligations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy!

They have retained as prisoners of war citizens of the United States, not liable to be so considered under the usages of war.

They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons emigrating without restraint to the United States; incorporated by naturalization into our political family, and fighting under the authority of their adopted country, in open and honourable war, for the maintenance of its rights and safety. Such is the avowed purpose of a government, which is in the practice of naturalizing, by thousands, citizens of other countries, and not only of permitting but compelling them to fight its battles against their native country.

They have not, it is true, taken into their own hands the

hatchet and the knife, devoted to indiscriminate massacre ; but they have let loose the savages armed with these cruel instruments ; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives. And what was never before seen, British commanders have extorted victory over the unconquerable valour of our troops, by presenting to the sympathy of their chief awaiting massacre from their savage associates.

And now we find them, in further contempt of the modes of honourable warfare, supplying the place of a conquering force, by attempts to disorganize our political society, to dismember our confederated republick. Happily, like others, these will recoil on the authors : but they mark the degenerate councils from which they emanate : and if they did not belong to a series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a government, which founded the very war in which it has been so long engaged, on a charge against the disorganizing and insurrectional policy of its adversary.

To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of the scabbard, before the enemy was apprized of the reasonable terms on which it would be re-sheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance, not placed on the military resources of the nation.

These resources are amply sufficient to bring the war to an honourable issue. Our nation is in number more than half that of the British isles. It is composed of a brave, a free, a virtuous, and an intelligent people. Our country abounds in the necessaries, the arts, and the comforts of life. A general prosperity is visible in the publick countenance. The means employed by the British cabinet to undermine it, have recoiled on themselves ; have given to our national faculties a more rapid development ; and,

draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the publick voice called for war, all knew and still know, that without them it could not be carried on, through the period which it might last; and the patriotism, the good sense, and the manly spirit of our fellow citizens, are pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated and systematick exertions alone are necessary; and the success of our arms now may long preserve our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, presaging flashes of heroick enterprise assure us that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress.

JAMES MADISON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. MAY 25, 1813.

AT an early day after the close of the last session of Congress, an offer was formally communicated from his imperial majesty the emperour of Russia, of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. The high character of the emperour Alexander being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted; and as a further proof

of the disposition on the part of the United States to meet their adversary in honourable experiments for terminating the war, it was determined to avoid intermediate delays, incident to the distance of the parties, by a definitive provision for the contemplated negotiation. Three of our eminent citizens were accordingly commissioned with the requisite powers to conclude a treaty of peace, with persons clothed with like powers on the part of Great Britain. They are authorized also to enter into such conventional regulations of the commerce between the two countries, as may be mutually advantageous. The two envoys who were in the United States at the time of their appointment, have proceeded to join their colleague already at St. Petersburg.

The envoys have received another commission authorizing them to conclude with Russia a treaty of commerce, with a view to strengthen the amicable relations, and improve the beneficial intercourse between the two countries.

The issue of this friendly interposition of the Russian emperour, and this pacifick manifestation on the part of the United States, time only can decide. That the sentiments of Great Britain towards that sovereign will have produced an acceptance of his offered mediation, must be presumed. That no adequate motives exist to prefer a continuance of war with the United States, to the terms on which they are willing to close it, is certain. The British cabinet also must be sensible that, with respect to the important question of impressment, on which the war so essentially turns, a search for, or seizure of, British persons or property on board neutral vessels on the high seas, is not a belligerent right derived from the law of nations; and it is obvious, that no visit or search, or use of force, for any purpose, on board the vessel of one independent power on the high seas, can in war or peace be sanctioned by the laws or authority of another power. It is equally obvious, that, for the purpose of preserving to each state its sea-faring members, by excluding them from the vessels of the other, the mode heretofore proposed by the United States, and now enacted by them as an article of municipal policy, cannot for a moment be compared with the mode

practised by Great Britain, without a conviction of its title to preference ; inasmuch as the latter leaves the discrimination between the mariners of the two nations, to officers exposed by unavoidable bias, as well as by a defect of evidence, to a wrong decision, under circumstances precluding, for the most part, the enforcement of controlling penalties, and where a wrong decision, besides the irreparable violation of the sacred rights of persons, might frustrate the plans and profits of entire voyages : whereas the mode assumed by the United States guards with studied fairness and efficacy against errors in such cases, and avoids the effect of casual errors on the safety of navigation, and the success of mercantile expeditions.

If the reasonableness of expectations, drawn from these considerations, could guarantee their fulfilment, a just peace would not be distant. But it becomes the wisdom of the national legislature to keep in mind the true policy, or rather the indispensable obligation, of adapting its measures to the supposition, that the only course to that happy event is in the vigorous employment of the resources of war. And painful as the reflection is, this duty is particularly enforced by the spirit and manner, in which the war continues to be waged by the enemy, who, uninfluenced by the unvaried examples of humanity set them, are adding to the savage fury of it, on one frontier, a system of plunder and conflagration on the other, equally forbidden by respect for national character, and by the established rules of civilized warfare.

As an encouragement to persevering and invigorated exertions to bring the contest to a happy result, I have the satisfaction of being able to appeal to the auspicious progress of our arms, both by land and on the water.

In continuation of the brilliant achievements of our infant navy, a signal triumph has been gained by captain Lawrence and his companions in the *Hornet* sloop of war, which destroyed a British sloop of war, with a celerity so unexampled and with a slaughter of the enemy so disproportionate to the loss in the *Hornet*, as to claim for the conquerors the highest praise, and the full recompense provided by Congress

in preceding cases. Our publick ships of war in general, as well as the private armed vessels, have continued also their activity and success against the commerce of the enemy, and by their vigilance and address have greatly frustrated the efforts of the hostile squadrons distributed along our coasts, to intercept them in returning into port, and resuming their cruises.

The augmentation of our naval force, as authorized at the last session of Congress, is in progress. On the lakes our superiority is near at hand where it is not already established.

The events of the campaign, so far as they are known to us, furnish matter of congratulation, and show that, under a wise organization and efficient direction, the army is destined to a glory not less brilliant than that which already encircles the navy. The attack and capture of York is, in that quarter, a presage of future and greater victories; while, on the western frontier, the issue of the late siege of fort Meigs leaves us nothing to regret but a single act of inconsiderate valour.

The provisions last made for filling the ranks and enlarging the staff of the army, have had the best effects. It will be for the consideration of Congress, whether other provisions depending on their authority may not still further improve the military establishment and the means of defence.

The sudden death of the distinguished citizen who represented the United States in France, without any special arrangements by him for such a contingency, has left us without the expected sequel to his last communications: nor has the French government taken any measures for bringing the depending negotiations to a conclusion, through its representative in the United States. This failure adds to delays, before so unreasonably spun out. A successor to our deceased minister has been appointed, and is ready to proceed on his mission: the course which he will pursue in fulfilling it, is that prescribed by a steady regard to the true interests of the United States, which equally avoids

an abandonment of their just demands, and a connection of their fortunes with the systems of other powers.

The receipts into the treasury from the 1st of October to the 31st day of March last, including the sums received on account of treasury notes, and of the loans authorized by the acts of the last and the preceding sessions of Congress, have amounted to fifteen millions four hundred and twelve thousand dollars. The expenditures during the same period amounted to fifteen millions nine hundred and twenty thousand dollars, and left in the treasury, on the first of April, the sum of one million eight hundred and fifty-seven thousand dollars. The loan of sixteen millions of dollars authorized by the act of the 8th of February last, has been contracted for. Of that sum, more than a million of dollars had been paid into the treasury, prior to the first of April, and formed a part of the receipts as above stated. The remainder of that loan, amounting to near fifteen millions of dollars, with the sum of five millions of dollars authorized to be issued in treasury notes, and the estimated receipts from the customs and the sales of publick lands, amounting to nine millions three hundred thousand dollars, and making in the whole twenty-nine millions three hundred thousand dollars, to be received during the last nine months of the present year, will be necessary to meet the expenditures already authorized, and the engagements contracted in relation to the publick debt. These engagements amount during that period to ten millions five hundred thousand dollars, which, with near one million for the civil, miscellaneous, and diplomattick expenses, both foreign and domestick, and seventeen millions eight hundred thousand dollars for the military and naval expenditures, including the ships of war building and to be built, will leave a sum in the treasury, at the end of the present year, equal to that on the 1st. of April last. A part of this sum may be considered as a resource for defraying any extraordinary expenses already authorized by law, beyond the sums above estimated; and a further resource for any emergency may be found in the sum of one million of dollars, the loan of which to the United States has been authorized by the state

of Pennsylvania, but which has not yet been brought into effect.

This view of our finances, whilst it shows that due provision has been made for the expenses of the current year, shows at the same time, by the limited amount of the actual revenue, and the dependence on loans, the necessity of providing more adequately for the future supplies of the treasury. This can be best done by a well digested system of internal revenue, in aid of existing sources ; which will have the effect, both of abridging the amount of necessary loans, and on that account, as well as by placing the publick credit on a more satisfactory basis, or improving the terms on which loans may be obtained. The loan of sixteen millions was not contracted for at a less interest than about seven and a half per cent. and although other causes may have had an agency, it cannot be doubted, that with the advantage of a more extended and less precarious revenue, a lower rate of interest might have sufficed. A longer postponement of this advantage could not fail to have a still greater influence on future loans.

In recommending to the national legislature this resort to additional taxes, I feel great satisfaction in the assurance, that our constituents, who have already displayed so much zeal and firmness in the cause of their country, will cheerfully give every other proof of their patriotism which it calls for. Happily no people, with local and transitory exceptions never to be wholly avoided, are more able than the people of the United States, to spare for the publick wants a portion of their private means, whether regard be had to the ordinary profits of industry, or the ordinary price of subsistence in our country, compared with those of any other. And in no case could stronger reasons be felt for yielding the requisite contributions. By rendering the publick resources certain, and commensurate to the publick exigencies, the constituted authorities will be able to prosecute the war the more rapidly to its proper issue ; every hostile hope, founded on a calculated failure of our resources, will be cut off ; and by adding to the evidence of bravery and skill, in combats on the ocean and the land, an

alacrity in supplying the treasure necessary to give them their fullest effect, and thus demonstrating to the world the publick energy which our political institutions combine with the personal liberty distinguishing them, the best security will be provided against future enterprises on the rights or the peace of the nation.

The contest in which the United States are engaged, appeals for its support, to every motive that can animate an uncorrupted and enlightened people ; to the love of country ; to the pride of liberty ; to an emulation of the glorious founders of their independence, by a successful vindication of its violated attributes ; to the gratitude and sympathy which demand security from the most degrading wrongs, of a class of citizens, who have proved themselves so worthy the protection of their country, by their heroick zeal in its defence ; and finally, to the sacred obligation of transmitting, entire, to future generations, that precious patrimony of national rights and independence which is held in trust by the present, from the goodness of divine Providence.

Being aware of the inconveniencies to which a protracted session at this season would be liable, I limit the present communication to objects of primary importance. In special messages which may ensue, regard will be had to the same consideration.

JAMES MADISON.



MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
SENATE. JUNE 7, 1813.

I TRANSMIT to the Senate, a report of the Secretary of State, complying with their resolution of the third instant.

JAMES MADISON.

REPORT.

THE secretary of state, to whom was referred the resolution of the senate of the third instant, requesting the President to cause to be laid before the senate, the correspondence which may have passed between the United States and the king of Sweden, respecting the interchange of publick ministers, has the honour to report to the President, that no direct correspondence has taken place on the subject.

In reference to the object of the resolution, the secretary of state submits several extracts of letters from Mr. Speyer, consul of the United States at Stockholm, and a letter from Mr. Beasley, commissary of prisoners at London, by which the wishes and the intentions of the Swedish government in relation to the interchange of ministers, have been made known to this department.

Respectfully submitted,

JAMES MONROE.

Department of State, June 7, 1813.

[COPY.] *Mr. Beasley to the Secretary of State. London, Dec. 12, 1813.*

SIR—Referring to my letter of the 10th instant, I have now the honour to transmit copy of the letter which I informed you that I had received from Mr. Speyer, and of that which I stated it was my intention to address to him, on the subject of our relations with Sweden.

Notwithstanding the present apparent irritation of the Swedish government, I have been assured by Mr. De Kantzow, and I learn from other sources, that it has invariably manifested the most friendly disposition towards the United States. Those American vessels which have sought shelter in its ports have experienced perfect protection. British cruisers are not allowed within its territories to dispose of prizes they make from the United States; and in some instances, the protection of Swedish convoy has been afforded to American vessels passing through the Sound.

Indeed this circumstance, Mr. De Kantzow informed me, had been mentioned to him by lord Castlereagh with no satisfaction.

I fear, however, that the art and intrigues of our enemy will, if not speedily counteracted, produce a state of things equally unfriendly. I collect from various quarters that considerable dissatisfaction is entertained by the Swedish government that the United States have not appointed a minister near it.

The jealousy which has long existed between Sweden and Denmark, is said to have contributed no little to the feeling to which this mission has given rise, seeing that the United States have had a minister near the Danish government. Mr. De Kantzow seemed anxious to know whether a minister was or would be appointed; and I am inclined to believe that his stay here is prolonged on that account.

The crown prince is fond of court and splendour; the government is poor; and to say nothing of the two great spoliators, the example of Denmark is immediately before it.

I beg to add, that the result of all the information I can collect, is, that the fate of all the American property, now in the dominions of Sweden, will depend on the course which the government of the United States may pursue on this critical and delicate emergency.

I have the honour to be, &c.

R. G. BEASLEY.

Extract of a Letter from John Speyer, Esq. consul of the United States at Stockholm, to the Secretary of State, dated Stockholm, Jan. 18, 1813.

No. 10.

THE minister of foreign affairs, in the course of our conversation yesterday, mentioned that both the king and prince royal were desirous to maintain and extend the friendly relations and commercial intercourse now subsisting between us, and intend to send a minister or charge des affaires to the United States. He would name the

person designated for that mission, were it ascertained whether he accepted of it.

Extract of a Letter from the same to the same, dated Stockholm, Jan. 21, 1812.

No. 11.

THE gentleman mentioned in my No. 10, as intended to be sent to the United States, is Mr. Kantzow, who lately returned from Brazil, where he resided charge des affaires of the king several years : he had before been consul general of Sweden, in Portugal.

He informed me yesterday, that he was to go as charge des affaires, which he refused, but consented to accept the appointment as minister.

From the personal knowledge I have of Mr. Kantzow, I think him well calculated to contribute to the good understanding of our respective governments.

[EXTRACT.] *Mr. Speyer to the Secretary of State. Stockholm, March 31, 1812.*

“ ON the 24th the minister of foreign affairs told me that the king had on that day directed him to inform me, that he would send Mr. Kantzow as minister resident to the United States. I understand that Mr. Kantzow is to leave this with his family, early in May, by way of England.”

[EXTRACT.] *Same to the same, May 18, 1812, Orebro.*

“ MR. KANTZOW, who is appointed minister to the United States, is still here ; he expects to receive his instructions soon, when he will set out on his voyage.”

[EXTRACT.] *From the same to the same. Stockholm, September 25, 1812.*

“ MR. KANTZOW has received his credentials as minister resident at Washington, and was despatched from Orebro on the 15th ult. He is now in London, and will

probably remain there next winter. The prince royal informed me the 4th instant, that he had directed Mr. Kantzow to represent to the English government his desire to see a good understanding restored with the United States."

[EXTRACT.] *From the same to the same, dated Stockholm, September 25, 1812.*

"As this government expect the appointment of a minister or a charge des affaires, in return for Mr. Kantzow's mission, I have not presented the commission as consul for this place. I am apprehensive it might be ungraciously received here after their notification of the appointment of a minister."

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
HOUSE OF REPRESENTATIVES. JULY 12, 1813.

I TRANSMIT to the House of Representatives a report of the Secretary of State, containing the information requested by their resolutions of the 21st of June last.

JAMES MADISON.

REPORT.

THE Secretary of State, to whom was referred several resolutions of the House of Representatives of the 21st ultimo, requesting information on certain points relating to the French decree of the 28th April, 1811, has the honour to make to the President the following Report:

IN furnishing the information required by the House of Representatives, the Secretary of State presumes that it might be deemed sufficient for him to state what is now demanded, what part thereof has been heretofore commu-

nicated, and to supply the deficiency. He considers it, however, more conformable to the views of the house, to meet, at this time, without regarding what has been already communicated, every inquiry, and to give a distinct answer to each, with the proper explanation relating to it.

The house of representatives has requested information, when, by whom, and in what manner, the first intelligence was given to this government of the decree of the government of France, bearing date on the 28th April, 1811, and purporting to be a definitive repeal of the decrees of Berlin and Milan; whether Mr. Russell, late charge des affaires of the United States to the government of France, ever admitted or denied to his government the correctness of the declaration of the duke of Bassano to Mr. Barlow, as stated in Mr. Barlow's letter of the 12th May, 1812, to the secretary of state, that the said decree had been communicated to his, Mr. Barlow's, predecessor there, and to lay before the house any correspondence with Mr. Russell on that subject, which it may not be improper to communicate, and also any correspondence between Mr. Barlow and Mr. Russell, in possession of the department of state; whether the minister of France to the United States ever informed this government of the existence of the said decree, and to lay before the house any correspondence with the said minister relative thereto, not improper to be communicated, with any other information in possession of the executive, which he may not deem it injurious to the publick interest to disclose, relative to the said decree, tending to show at what time, by whom, and in what manner, it was first made known to this government, or to any of its representatives or agents; and lastly, to inform the house whether the government of the United States hath ever received from that of France any explanation of the reasons of that decree being concealed from this government and its minister for so long a time after its date, and if such explanation has been asked by this government, and has been omitted to be given by that of France, whether this government has made any remonstrance or expressed

any dissatisfaction to the government of France at such concealment ?

These inquiries embrace two distinct objects. The first relates to the conduct of the government of France, in regard to this decree. The second, to that of the government of the United States. In satisfying the call of the house on this latter point, it seems to be proper to meet it in a two-fold view ; first, as it relates to the conduct of this government in this transaction ; secondly, as it relates to its conduct towards both belligerents, in some important circumstances connected with it. The resolutions do not call specially for a report of such extent, but as the measures of the executive, and the acts of Congress founded on communications from the executive, which relate to one of the belligerents, have, by necessary consequence, an immediate relation to the other, such a report seems to be obviously comprised within their scope. On this principle the report is prepared, in the expectation that the more full the information given, on every branch of the subject, the more satisfactory will it be to the house.

The secretary of state has the honour to report, in reply to these inquiries, that the first intelligence which this government received of the French decree of the 28th April, 1811, was communicated by Mr. Barlow, in a letter bearing date on the 12th of May, 1812, which was received by this department on the 13th of July following : that the first intimation to Mr. Barlow of the existence of that decree, as appears by his communications, was given by the duke of Bassano in an informal conference on some day between the 1st and 10th of May, 1812, and that the official communication of it to Mr. Barlow was made on the 10th of that month, at his request : that Mr. Barlow transmitted a copy of that decree, and of the duke of Bassano's letter announcing it, to Mr. Russell, in a letter of May 11, in which he also informed Mr. Russell that the duke of Bassano had stated that the decree had been duly communicated to him : that Mr. Russell replied in a letter to Mr. Barlow of the 29th of May, that his first knowledge of the decree was derived from his letter ; and, that

he has repeatedly stated the same since to this government. The paper marked (A) is a copy of an extract of Mr. Barlow's letter to the department of state, of May 12, 1812; (B) of the duke of Bassano's letter to Mr. Barlow, of the 10th of the same month; (C) of an extract of Mr. Barlow's letter to Mr. Russell, of May 11th; (D) of an extract of Mr. Russell's answer of the 29th May, and (E) of Mr. Russell's letter to the department of state of the 30th.

The secretary of state reports also, that no communication of the decree of the 28th April, 1811, was ever made to this government by the minister of France, or other person, than as above stated, and that no explanation of the cause of its not having been communicated to this government and published, at the time of its date, was ever made to this government, or, so far as it is informed, to the representatives or agents of the United States in Europe. The minister of France has been asked to explain the cause of a proceeding apparently so extraordinary and exceptionable, who replied, that his first intelligence of that decree was received by the Wasp, in a letter from the duke of Bassano of May 10th, 1812, in which he expressed his surprise that a prior letter of May, 1811, in which he had transmitted a copy of the decree, for the information of this government, had not been received. Further explanations were expected from Mr. Barlow, but none were given. The light in which this transaction was viewed by this government, was noticed by the President in his message to Congress, and communicated also to Mr. Barlow, in the letter of the 14th July, 1812, with a view to the requisite explanation from the French government. On the 9th of May, 1812, the emperor left Paris for the north, and in two days thereafter the duke of Bassano followed him. A negotiation for the adjustment of injuries, and the arrangement of our commerce, with the government of France, long depending, and said to have been brought nearly to a conclusion, at the time of Mr. Barlow's death, was suspended by that event. His successor, lately appointed, is authorized to resume the negotiation, and to conclude it. He is instructed to demand redress of

the French government for every injury, and an explanation of its motive for withholding from this government a knowledge of the decree, for so long a time after its adoption.

It appears by the documents referred to, that Mr. Barlow lost no time, after having obtained a knowledge of the existence of the French decree of the 28th April, 1811, in demanding a copy of it, and transmitting it to Mr. Russell, who immediately laid it before the British government, urging, on the ground of this new proof of the repeal of the French decrees, that the British orders in council should be repealed. Mr. Russell's note to lord Castlereagh bears date on the 20th May ; lord Castlereagh's reply on the 23d, in which he promised to submit the decree to the consideration of the prince regent. (See papers marked F.) It appears, however, that no encouragement was given at that time, to hope that the orders in council would be repealed, in consequence of that decree ; and, that although it was afterwards made the ground of their repeal, the repeal was, nevertheless, to be ascribed to other causes. Their repeal did not take effect until the 23d June, more than a month after the French decree had been laid before the British government ; a delay indicating in itself, at a period so momentous and critical, not merely neglect but disregard of the French decree. That the repeal of the British orders in council, was not produced by the French decree, other proofs might be adduced. I will state one, which, in addition to the evidence contained in the letters from Mr. Russell herewith communicated, (marked G.) is deemed conclusive. In the communication of Mr. Baker to Mr. Graham, on the 9th August, 1812, (marked H.) which was founded on instructions from his government, of as late date as the 17th June, in which he stated, that an official declaration would be sent to this country, proposing a conditional repeal of the orders in council, so far as they affected the United States, no notice whatever was taken of the French decree. One of the conditions then contemplated was, that the orders in council should be revived at the end of eight months, unless the conduct of the

French government, and the result of the communications with the government of the United States, should be such, as, in the opinion of the British government, to render their revival unnecessary: a condition which proves incontestably that the French decree was not considered by the British government, a sufficient ground on which to repeal the orders in council; it proves also that on that day the British government had resolved not to repeal the orders on the basis of that decree; since the proposed repeal was to depend, not on what the French government had already done, but on what it might do, and on arrangements to be entered into with the United States, unconnected with the French repeal.

The French decree of the 28th April, 1811, was transmitted to the United States by the *Wasp*, a publick vessel, which had been long awaiting, at the ports of Great Britain and France, despatches from our ministers relating to these very important concerns with both governments. It was received at the department of state on the 13th July, 1812, nearly a month after the declaration of war against Great Britain. Intelligence of the repeal of the orders in council was not received until about the middle of the following month. It was impossible therefore that either of these acts, in whatever light they might be viewed, should have taken into consideration, or have had any influence in deciding on that important event.

Had the British government been disposed to repeal its orders in council, in conformity with the principle on which it professed to have issued them, and on the condition which it had itself prescribed, there was no reason to delay the repeal until such a decree as that of the 28th April, 1811, should be produced. The declaration of the French government of August 5, 1810, had fully satisfied every claim of the British government according to its own principles on that point. By it the decrees of Berlin and Milan were declared to be repealed, the repeal to take effect on the 1st November following, on which day it did take effect. The only condition attached to it was, either that Great Britain should follow the example, and repeal her

orders in council, or that the United States should carry into effect against her, their non-importation act. This condition was in its nature subsequent, not precedent, reserving a right in France to revive her decrees in case neither alternative was performed. By this declaration it was put completely in the power of Great Britain to terminate this controversy in a manner the most honourable to herself. France had yielded to her the ground on a condition, with which she had declared her willingness to comply. Had she complied, the non-importation act would not have been carried into effect, nor could the French decrees have been revived. By refusing to comply, she has made herself responsible for all that has since followed.

By the decree of the 28th April, 1811, the decrees of Berlin and Milan were said to be definitively repealed, and the execution of the non-importation act against Great Britain was declared to be the ground of that repeal. The repeal, announced by the declaration of the 5th August, 1810, was absolute and final, except as to the condition subsequent attached to it. This latter decree acknowledges that that condition had been performed, and disclaims the right to revive it in consequence of that performance, and, extending back to the 1st of November, confirms in every circumstance the preceding repeal. The latter act, therefore, as to the repeal, is nothing more than a confirmation of the former. It is in this sense that those two acts are to be understood in France. It is in the same sense that they are to be regarded by other powers.

In repealing the orders in council on the pretext of the French decree of the 28th of April, 1811, the British government has conceded that it ought to have repealed them on the declaration of the 5th August, 1810. It is impossible to discriminate between the two acts, or to separate them from each other, so as to justify, on sound and consistent principles, the repeal of the orders in council on the ground of one act, and the refusal to repeal them on that of the other. The second act makes the repeal definitive; but for what reason? Because the non-importation act had been put in force against Great Britain, in compliance with the con-

dition subsequent attached to the former repeal, and her refusal to repeal her orders in council. That act being still in force, and the decree of the 28th April, 1811, being expressly founded on it, Great Britain repeals her orders in council on the basis of this latter decree. The conclusion is, therefore, irresistible, that by this repeal, under all the circumstances attending it, the British government has acknowledged the justice of the claim of the United States to a repeal on the former occasion. By accepting the latter repeal, it has sanctioned the preceding one; it has sanctioned also the conduct of this government in carrying into effect the non-importation act against Great Britain, founded on the preceding repeal.

Other important consequences result from this repeal of the British government. By fair and obvious construction, the acceptance of the decree of the 28th April, 1811, as the ground of the repeal of the orders in council, ought to be construed to extend back to the 1st November, 1810, the day on which the preceding repeal took effect. The secretary of state has full confidence that if this question could be submitted to the judgment of an impartial judicial tribunal, such would be its decision. He has equal confidence that such will be the judgment pronounced on it by the enlightened and impartial world. If, however, these two acts could be separated from each other, so as that the latter might be made the basis of the repeal of the orders in council, distinct from the former, it follows, that bearing date on the 28th April, 1811, the repeal ought to have relation to that date. In legal construction between nations as well as individuals, acts are to be respected from the time they begin to operate, and where they impose a moral or political obligation on another party, that obligation commences with the commencement of the act. But it has been urged, that the French decree was not promulgated or made known to the British government until a year after its date. This objection has no force. By accepting an act bearing date a year before it was promulgated, it is admitted that in the interval nothing was done repugnant to it. It cannot be presumed, that any govern-

ment would accept from another, as the basis on which it was to found an important measure, an act of antierior and remote date, pledging itself to a certain course of conduct which that government had in the interval departed from and violated. If any government had violated an act, the injunctions of which it was bound to observe, by an antierior one in relation to a third party, and which it professed to have observed before its acceptance by the other, it could not be presumed that it would cease to violate it after the acceptance. The conclusion is irresistible, that if the other government did accept such act with a knowledge of its antecedent violation, as the foundation of any measure on its own part, such act must have been the ostensible only, and not the real motive to such measure.

The declaration of the prince regent of the 21st April, 1812, is in full confirmation of these remarks. By this act of the British government, it is formally announced, on the authority of a report of the secretary of foreign affairs to the conservative senate of France, that the French decrees were still in force, and that the orders in council should not be repealed. It cannot fail to excite considerable surprise that the British government should immediately afterwards, that is, on the 23d of June, repeal its orders in council, on the ground of the French decree of the 28th April, 1811. By this proceeding the British government has involved itself in manifest inconsistency. It has maintained by one act, that the French decrees were in full force, and by another that they were repealed during the same space of time. It admits also, that by no act of the French government, or of its cruisers, had any violation of the repeal announced by the declaration of the French government of the 5th August, 1810, been committed, or at least, that such violation had not had sufficient weight to prevent the repeal of the orders in council.

It was objected that the declaration of the French government of the 5th August, 1810, was not such an act as the British government ought to have regarded. The secretary of state is thoroughly satisfied that this objection is altogether unfounded. It was communicated by the emperor

through his highest official organ, the secretary of foreign affairs, to the minister plenipotentiary of the United States at Paris. It is impossible to conceive an act more formal, authentick or obligatory on the French government, than that alluded to. Does one government ever ask or expect from another to secure the performance of any duty, however important, more than its official pledge fairly and fully expressed? Can better security be given for its performance? Had there been any doubt on this subject, the conduct of Great Britain herself, in similar cases, would have completely removed it. The whole history of her diplomattick intercourse with other powers, on the subject of blockade, is in accord with this proceeding of the French government. We know that when her government institutes a blockade, the secretary of foreign affairs announces it to the ministers of other powers at London, and that the same form is observed when they are revoked. Nor was the authenticity of either act, thus announced, ever questioned.

Had a similar declaration been made by the minister of France in the United States to this government, by the order of his own, would it not have been entitled to respect, and been respected? By the usage of nations, such respect could not have been withheld. The arrangement made with Mr. Erskine, is a full proof of the good faith of this government, and of its impartiality in its transactions with both the belligerents. It was made with that minister on the ground of his publick character, and the confidence due to it: on which basis the non-intercourse was removed as to England, and left in full force against France. The failure of that arrangement was imputable to the British government alone, who, in rejecting it, took on itself a high responsibility, not simply in regard to the consequences attending it, but in disavowing and annulling the act of its minister, without showing that he had exceeded his authority. In accepting the declaration of the French minister of foreign affairs, in proof of the French repeal, the United States gave no proof of improper credence to the government of France. On a comparison of both transactions,

it will appear that if a marked confidence and respect was shown to either government, it was to that of Great Britain. In accepting the declaration of the government of France in the presence of the emperor, the United States stood on more secure ground, than in accepting that of a British minister in this country.

To the demand made by the United States of the repeal of the British orders in council, founded on the basis of the French repeal of August 5th, 1810, the British government replied, by demanding a copy of the orders issued by the French government for carrying into effect that repeal; a demand without example in the intercourse between nations. By this demand it ceased to be a question whether the French repeal was of sufficient extent, or was founded on justifiable conditions. The pledge of the French government was doubted; a scrutiny was to be instituted as to the manner in which it was to be discharged, and its faith preserved, not by the subsequent conduct of its cruisers towards the vessels of the United States, but by a copy of the orders given to its cruisers. Where would this end? If the French government intended a fraud by its declaration of repeal, announced to the minister of the United States, and afterwards to this government, might it not likewise commit a fraud in any other communication which it might make? If credit was refused by the British government to the act of the French government, thus formally announced, is it probable that it would have been given by it, to any document of inferior character, directed to its own people. Although it was the policy, and might be the interest of the British government to engage the United States in such a controversy with the French government, it was far from comporting with their interests to do it. They considered it their duty to accept the repeal already made by the French government of its decrees, and to look to its conduct, and to that of its cruisers, sanctioned by the government, for the faithful performance or violation of it. The United States having been injured by both powers, were unwilling, in their exertions to obtain justice of either, to become the instrument of the other. They

were the less inclined to it in the present instance, from the consideration, that the party making the pressure on them, maintained in full force its unlawful edicts against the American commerce, while it could not deny that a considerable advance, at least, had been made by the other towards a complete accommodation, it being manifest to the world, not only that the faith of the French government stood pledged for the repeal of its decrees, but that the repeal did take effect on the 1st of November, 1810, in regard to the United States; that several American vessels taken under them had been delivered up; and judicial decisions suspended on all, by its order, and that it also continued to give the most positive assurances that the repeal should be faithfully observed.

It has also been urged that the French repeal was conditional, and for that reason could not be accepted. This objection has already been fully answered. It merits attention, however, that the acts of the British government relating to this subject, particularly the declaration of the 21st April, 1812, and the repeal of the 23d June, of the same year, are equally, and in like manner conditional. It is not a little surprising that the British government should have objected to a measure in another government, to which it has itself given a sanction by its own acts. It is proper, however, to remark, that this objection has been completely waived and given up by the acceptance of the decree of the 28th April, 1811.

The British government has urged also, that it could not confide in the faithful performance by the French government of any engagement it might enter into relative to the repeal of its decrees. This objection would be equally applicable to any other compact to be entered into with France. While maintained, it would be a bar to any treaty, even to a treaty of peace, between them. But it also has been admitted to be unfounded by the acceptance of the decree of the 28th April, 1811.

The secretary of state presumes that these facts and explanations, supported as they are by authentick documents, prove—first, that the repeal of the British orders

in council was not to be ascribed to the French decree bearing date on the 28th April, 1811; and, secondly, that in making that decree the basis of their repeal, the British government has conceded that it ought to have repealed them on the ground of the declaration of the French government of 5th August, 1810, so as to take effect on the 1st November following. To what cause the repeal of the British orders in council was justly attributable cannot now remain a doubt with any who have marked, with a just discernment, the course of events. It must afford great consolation to the good people of these states to know, that they have not submitted to privations in vain.

The discussion of other wrongs, particularly that relating to impressment, had been closed some time before the period alluded to. It was unworthy the character of the United States to pursue the discussion on that difference, when it was evident that no advantage could be derived from it. The right was reserved to be brought forward and urged again, when it might be done with effect. In the mean time the practice of impressment was persevered in with rigour.

At the time when war was declared against Great Britain, no satisfactory arrangement was offered, or likely to be obtained, respecting impressment, and nothing was more remote from the expectation of this government, than the repeal of the orders in council. Every circumstance which had occurred tending to illustrate the policy and views of the British government, rendered such an event altogether improbable. From the commencement of that system of hostility which Great Britain had adopted against the United States, her pretensions had gradually increased, or at least become more fully unfolded, according to circumstances, until, at the moment when war was declared, they had assumed a character which dispelled all prospect of accommodation. The orders in council were said to have been adopted on a principle of retaliation on France, although at the time when the order of May, 1806, was issued, no measure of France had occurred on which it could be retaliatory, and at the date of the next order,

January, 1807, it was hardly possible that this government should have even heard of the decree of Berlin to which it related. It was stated at the time of their adoption, and for some time afterwards, that they should be revoked as soon as France revoked her decrees, and that the British government would proceed with the government of France *pari passu* in the revocation. After the declaration, however, of the French government of the 5th August, 1810, by which the Berlin and Milan decrees were declared to be repealed, the British government changed its tone, and continued to rise in its demands, to the moment that war was declared. It objected, first, that the French repeal was conditional, and not absolute; although the only condition attached to it was, that Great Britain should follow the example, or the United States fulfil their pledge, by executing the non-importation act against her. It was then demanded that France should repeal her internal regulations, as a condition of the repeal of the British orders in council. Next, that the French repeal should be extended to all neutral nations, as well as to the United States; and lastly, that the ports of her enemies, and all ports from which the British flag was excluded, should be opened to British manufactures in American vessels: conditions so extravagant as to satisfy all dispassionate minds, that they were demanded not in the expectation that they would or could be complied with, but to terminate the discussion.

On full consideration of all circumstances, it appeared that the period had arrived, when it became the duty of the United States to take that attitude with Great Britain which was due to their violated rights, to the security of their most important interests, and to their character as an independent nation. To have shrunk from the crisis would have been to abandon every thing valuable to a free people. The surrender of our seamen to British impressment, with the destruction of our navigation and commerce, would not have been its only evils. The desolation of property, however great and widely spread, affects an interest which admits of repair. The wound is incurable

only which fixes a stigma on the national honour. While the spirit of the people is unsubdued, there will always be found in their virtue a resource equal to the greatest dangers, and most trying emergencies. It is in the nature of free government to inspire in the body of the people generous and noble sentiments, and it is the duty of the constituted authorities to cherish and to appeal to those sentiments, and to rely on the patriotick support of their constituents. Had they proved themselves unequal to the crisis, the most fatal consequences would have resulted from it. The proof of their weakness would have been recorded ; but not on them alone would its baneful effects have been visited. It would have shaken the foundation of the government itself, and even of the sacred principles of the revolution, on which all our political institutions depend. Yielding to the pretensions of a foreign power, without making a manly effort in defence of our rights, without appealing to the virtue of the people, or to the strength of our union, it would have been charged and believed, that in these sources lay the hidden defects. Where would the good people of these states have been able to make another stand? Where would have been their rallying point? The government of their choice, having been dishonoured, its weakness and that of their institutions demonstrated, the triumph of the enemy would have been complete. It would also have been durable.

The constituted authorities of the United States neither dreaded nor anticipated these evils. They had full confidence in the strength of the union, in the firmness and virtue of the people, and were satisfied when the appeal should be made, that ample proof would be afforded that their confidence had not been misplaced. Foreign pressure, it was not doubted, would soon dissipate foreign partialities and prejudices, if such existed, and unite us more closely together as one people.

In declaring war against Great Britain, the United States have placed themselves in a situation to retort the hostility which they had so long suffered from the British government. The maintenance of their rights was the

object of the war. Of the desire of this government to terminate the war on honourable conditions, ample proof has been afforded by the proposition made to the British government, immediately after the declaration of war, through the charge des affaires of the United States at London, and by the promptitude and manner of the acceptance of the mediation of the emperor of Russia.

It was anticipated by some, that a declaration of war against Great Britain would force the United States into a close connection with her adversary, much to their disadvantage. The secretary of state thinks it proper to remark, that nothing is more remote from the fact. The discrimination in favour of France, according to law, in consequence of her acceptance of the proposition made equally to both powers, produced a difference between them in that special case, but in that only. The war with England was declared without any concert or communication with the French government; it has produced no connection between the United States and France, or any understanding as to its prosecution, continuance or termination. The ostensible relation between the two countries, is the true and only one. The United States have just claims on France for spoliations on their commerce on the high seas, and in the ports of France, and their late minister was, and their present minister is, instructed to demand reparation for these injuries, and to press it with the energy due to the justice of their claims, and to the character of the United States. The result of the negotiation will be communicated to Congress in due time. The papers marked (I) contain copies of two letters, addressed from this department to Mr. Barlow, one of the 16th June, 1812, just before the declaration of war, the other of the 14th July following, which show distinctly the relation existing between the United States and France at that interesting period. No change has since occurred in it.

All which is respectfully submitted.

JAMES MONROE.

The President of the United States.

Department of State, July 12, 1813.

DOCUMENTS.

(A.)

*Extract of a Letter from Mr. Barlow to Mr. Monroe,
dated Paris, May 12, 1812.*

[See page 438.]

(B.)

*The duke of Bassano to Mr. Barlow. Paris, May 10,
1812.*

[See page 439.]

*Copy of a Letter from the Minister of Finance to the Count
of Sussy, counsellor of state, director general of the
customs, dated December 25, 1810.*

[See preceding vol. page 305.]

FRENCH EMPIRE.

PARIS, DEC. 26, 1810.

*Copy of a Letter from his excellency the grand judge,
minister of justice, to the counsellor of state, president of
the council of prizes.*

[See preceding vol. page 303.]

Palace of St. Cloud, April 28, 1811.

NAPOLEON, emperour of the French, &c. &c.

[See page 348.]

(C.)

*Extract of a Letter from Mr. Barlow to Mr. Russell.
Paris, May 11, 1812.*

“I HAVE concluded to despatch the Wasp to England,
expressly to carry to you the documents herewith enclosed.

“I was not a little surprised to learn by the declaration
of the prince regent in council, of the 21st of April, that
it was still believed by the British government that the
French decrees of Berlin and Milan yet remained in force,
as applicable to the United States. On reading that decla-

ration, I, therefore, addressed to the duke of Bassano a note bearing date the 1st of May, of which I enclose you a copy.

“This drew from him the answer of which I likewise hand you a copy with the three documents that accompanied it. The most remarkable of these is the decree of the 28th April, 1811. This piece I had never before seen; it appears that it had not been published at the time of its date, and not finding it among the archives of this legation, I suspect, that by some omission or neglect, it was not communicated to you as it ought to have been. The duke, however, assures me that it was so communicated. Be this as it may, I am convinced it has not been made known to the British government.”

(D.)

Extract of a Letter from Mr. Russell to Mr. Barlow.

“London, May 29, 1812.

“YOUR letter of the 11th of this month, with its enclosures, was handed me on the 20th, and I immediately communicated copies of the letters from the French minister's of the 21st of December, 1810, and also of the decree of the 28th of April, 1811, to this government. The letters were already known, but the decree, from the cause undoubtedly which you so justly assign, namely, “an omission or neglect in not having communicated it to me,” was entirely new.

“The duke of Bassano has unquestionably full faith in what he assures you, but the date of the decree is so very remote, that it is not surprising that our memories should not accord on the subject.”

(E.)

Extract of a Letter from Mr. Russell to Mr. Monroe.

“London, May 30, 1812.

WITH regard to the French decree of the 28th of April, 1811, Mr. Barlow, in a letter to me, makes the following remarks: ‘This piece I had never before seen; it seems that it had not been published at the time of its date, and

not finding it among the archives of this legation, I suspect, that by some omission or neglect, it was not communicated to you, as it ought to have been. The duke assures me that it was so communicated. Be this as it may, I am convinced it has not been made known to the British government.' I content myself with saying, that until communicated to me by Mr. Barlow, I had never heard of such a thing. I persuade myself that there is no necessity of my adding any further explanation or comment on this strange business. With great respect, I am, sir, &c.

(Signed)

JONA. RUSSELL.

(F.)

Mr. Russell to Mr. Monroe. London, May 25, 1812.

[See page 347.]

Mr. Russell to Lord Castlereagh. 18, Bentinck Street, May 20, 1812.

[See page 348.]

Lord Castlereagh to Mr. Russell. Foreign Office, May 23, 1812.

[See page 349.]

(G.)

Mr. Russell to Mr. Monroe. London, May 25, 1812.

SIR,

THE assassination of Mr. Percival has led to a dissolution of his ministry, and I hope may lead to an abandonment of his system as far as we are concerned.

The vote, on the motion of Mr. Stewart Wortley, on the 21st, for an address to the prince regent, to form a more efficient administration, has driven the old ministers to offer their resignation. The new arrangements are entrusted to lord Wellesley, but nothing is yet effected.

Mr. Canning appears to be associated with his lordship in this business, which I cannot consider as a circumstance very auspicious to us.

There will, undoubtedly, be much difficulty in forming the new cabinet; none of the old ministers will act under

lord Wellesley, he having so recently refused to act under them. Besides there is considerable difference on essential points of policy. The members of opposition have a repugnance to act under any leader not taken from their own ranks, and they certainly will not constitute a part of any administration that does not adopt their system.

The probability therefore is, that either lord Wellesley and Mr. Canning will not succeed in performing the task imposed upon them, or that they will perform it so imperfectly as to expose their work to early destruction.

Whatever may be the ingredients of which the new cabinet may be composed, I am not altogether without hope that the orders in council will be modified if not removed. The effects of our embargo, the evidence before parliament of the distresses occasioned by those orders, and the change of ministers itself, afford both cause and colour for this proceeding.

I say nothing of the French decree, of which I this day send you a copy, as without the circumstances just mentioned, it would, I am persuaded, have been disregarded.

I shall dismiss the Wasp as soon as the new ministry is formed, or before, unless that event happens in a few days. She will return to Cherbourg.

With great respect, I am, &c.

(Signed)

JONA. RUSSELL.

*Extract of a Letter from Mr. Russell to Mr. Monroe.
London, June 13, 1812.*

“THE difficulty which has been encountered in forming a new cabinet, has appeared to render it necessary to support the old one ; and upon this ground the house of commons appear to have acted last evening, in giving to ministers, on the second motion of Mr. Wortley, a majority of 125.

“Notwithstanding these inauspicious circumstances and all the prejudice of the men now in place, respecting the United States, yet I know not how the orders in council can be maintained without the most serious consequences both to this government and country. It is impossible, in

the face of the evidence now before parliament, to deny the vital importance of our intercourse to this nation, and obstinate as the ministry is, I do not entirely despair that it will be forced from its system, or from power. I have some slender hope that this evidence may, even on the motion of Mr. Brougham on Tuesday next, produce some change, although it hardly seems probable that the ministers will allow the question to come on without the certainty of a triumph."

Mr. Russell to Mr. Monroe. London, June 18, 1812.

SIR,

I HAND you herein the *Times* of yesterday, containing the debate in the house of commons on the preceding evening, relative to the orders in council. From this debate it appears that these measures are to be abandoned, but as yet no official extinction of them has been announced. The time already elapsed since the declaration of lord Castlereagh, excites a suspicion that either the promised revocation will not take place, or what is more probable, some other measure, equally unjust, is now under consideration, to replace those which are to be revoked.

I hope, until the doings here are ascertained with certainty and precision, there will be no relaxation on our part.

With great respect, your very obedient servant,

(Signed)

JONA. RUSSELL.

*Extracts of a Letter from Mr. Russell to Mr. Monroe.
London, June 30, 1812.*

"I HAVE, at length, had the satisfaction to announce to you, in my letters of the 26th instant, the revocation of the orders in council.

"You will, without doubt, be somewhat surprised that this revocation is founded on the French decree of the 28th of April, 1811.

"The real cause of the revocation is the measures of our government. These measures have produced a degree of distress among the manufacturers of this country that was becoming intolerable; and an apprehension of still

greater misery, from the calamities of war, drove them to speak a language which could not be misunderstood or disregarded.

“ Many members of the house of commons, who had been the advocates of the orders in council, particularly Mr. Wilberforce, and others from the northern counties, were forced now to make a stand against them, or to meet the indignation of their constituents at the approaching election. It is, therefore, the *country*, and not the opposition, which has driven the ministers to yield on this occasion, and the eloquence of Mr. Brougham would have been in vain had it been destitute of this support.

“ What has now been done, has been most reluctantly done, and yielded to coercion instead of being dictated by a spirit of justice and conciliation. The ministers were resolved to concede nothing until the last extremity. Lord Castlereagh undoubtedly went down to the house of commons on the 16th instant, determined to preserve the orders in council in their full force, and when he perceived that he should be in the minority, he endeavoured to compromise by giving up as little as possible.

“ It was decided by the cabinet, in consequence of the vague declarations of his lordship on that night, to *suspend* the orders in council, and to make this suspension to depend upon conditions to be previously proposed to the United States. Driven from this ground by the motion of Mr. Brougham for the call of the house, for Thursday the 25th of this month, the ministers at length issued the order of the 23d, and even this order was carried in the cabinet by a small majority only, five members voting against it. With these facts before me, I feel myself constrained to chasten my exultation on what has taken place, with some fear of a return of the old injustice in a new form.”

(H.)

Mr. Graham to Mr. Russell. Department of State, Aug.
9, 1812.

[See page 328.]

*Mr. Graham to Mr. Russell. Department of State, Aug.
10, 1812.*

[See page 329.]

Memorandum referred to in the above Letter.

[See page 329.]

(I.)

*Mr. Monroe to Mr. Barlow. Department of State, June
16, 1812.*

SIR,

AN act declaring war against Great Britain will probably pass both houses of Congress on this day or to-morrow. It has already passed the house of representatives, and, from what is known of the disposition of the senate, its assent is expected without delay.

This result has grown out of the continued aggressions of that power on our commerce. Propositions were made in both houses of Congress to comprise France in the same declaration, and in the senate the vote was 15 for, to 17 against it. In the other house the majority against it was proportionably greater. Its defeat in both houses has been doubtless, in a great measure, owing to a passage in your last letter, which intimated the intention of the French government to make some proposition in favour of indemnities, to be comprised in the treaty you were negotiating, whereby an expectation was excited that that interest would be provided for, and satisfaction given on the other grounds of complaint against France. The sentiment in both houses, as it is with the nation generally, produced by so many acts of injustice, for which reparation has not been made, is strong against France. The arrival of the *Wasp*, which you promised to despatch in two or three weeks from the date of your last letter, with the result of your labours, and which may be now daily expected, was another motive for delaying ulterior measures with respect to her. In advising the war against England, as was distinctly implied by the late message, which brought that

subject under consideration, the President stated to Congress his strong dissatisfaction with the conduct of the French government on every former ground of complaint, and to which others of more recent date have been added, with the single exception of the repeal of the decrees. He promised also to bring our affairs with that power fully before Congress, as soon as he should receive the communications which you had promised to forward by the Wasp. I communicate these facts, which are of a character too marked to require any comment, that you may be enabled to turn them to the best account in promoting an amicable accommodation with the French government of every wrong received from it, which is sincerely desired.

You were informed by my letter of the 6th of May, of such outrages committed by a squadron which was reported to have sailed from Nantz in January last, as were at that time known here. It appears that several vessels sailing from American ports to Lisbon and Cadiz, laden with the productions of the United States, were seized and burnt at sea. The crews of these vessels were taken on board one of the French vessels, and afterwards transferred to another of our vessels engaged in the same trade, which was also seized, in which they made their way home. These men forwarded here the evidence of these acts, copies of which have already been transmitted to you. I forward to you by this conveyance, the evidence of other aggressions, which will claim, in like manner, your particular attention. Most of these documents have been laid before Congress, and referred by it to this department.

You will analyze all these cases of recent spoliations, and place them in the class of aggressions to which they severally belong, on principle. In demanding of Great Britain the repeal of her orders in council, on the ground of the repeal of the French decrees, this government has, from a regard to justice, given to France all the credit to which she had any claim, believing that the notification alone of the French minister of foreign affairs, to the minister plenipotentiary of the United States at Paris, of their repeal, was sufficient to justify the demand of the

repeal of the orders in council of Great Britain, on her own principles. But it was never the intention of this government to concede to France any thing on that subject, to which she was not fairly entitled. On the contrary, it has been its intention, as is sufficiently evident by your first instructions, to exact from her a most strict and rigorous compliance with her pledge, in regard to the repeal. If any act in violation of that pledge has been committed, you will not fail to point it out, in the most distinct manner, to the French government, and to communicate to this department, without delay, any answer which you may receive from it. I have to add, admitting that the repeal of the decrees is observed with perfect good faith, that if the French government has given other orders, or permits acts of another character, which violate our rights, the wrong will not be less sensibly felt or less resented by this government.

Your despatches by the *Hornet* were received on the 22d May. They are the last which have come to hand.

I have the honour, &c.

(Signed)

JAMES MONROE.

JOEL BARLOW, Esq. &c. &c.

Mr. Monroe to Mr. Barlow. Department of State, July 14, 1812.

SIR,

YOUR letters by the *Wasp* were received on the 13th instant.

I make this acknowledgment in the hope that it may reach Mr. Morton at Baltimore, and be conveyed with the letters and documents with which he is already charged for you.

The President has seen with great surprise and concern that the government of France had made no accommodation to the United States on any of the important and just grounds of complaint to which you had called its attention, according to your instructions, given at the time of your departure, and repeated in several communications since. It appears that the same oppressive restraints on our com-

merce were still in force ; that the system of license was persevered in ; that indemnity had not been made for spoliations, nor any pledge given to inspire confidence that any would be made. More recent wrongs, on the contrary, and of a very outrageous character, have been added to those with which you were acquainted when you left the United States. By documents forwarded to you in my letter of 21st March, you were informed of the waste of our commerce, made by a squadron from Nantz, in January last, which burnt many of our vessels trading to the peninsula. For these you were also instructed to demand redress.

It is hoped that the government of France, regarding with a prudent foresight, the probable course of events, will have some sensibility to its interest, if it has none to the claims of justice, on the part of this country.

On the French decree of the 28th of April, 1811, I shall forbear to make many observations which have already occurred, until all the circumstances connected with it are better understood. The President approves your effort to obtain a copy of that decree, as he does the communication of it afterwards to Mr. Russell.

I have the honour, &c. &c.

(Signed)

JAMES MONROE.

JOEL BARLOW, Esq. &c.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
HOUSE OF REPRESENTATIVES. JULY 12, 1813.

I TRANSMIT to the House of Representatives a report of the Secretary of State, containing the information requested by their resolution of the 21st of June last.

JAMES MADISON.

REPORT.

THE Secretary of State, to whom was referred the resolution of the House of Representatives, of the 21st of June, requesting copies of a declaration and order in council of the British government of the 21st of April, 1812, has the honour to lay before the President, copies of these papers, together with a copy of the correspondence relating to them.

JAMES MONROE.

Department of State, July 12, 1813.

Mr. Russell to Mr. Monroe. London, April 22, 1812.

SIR,

I RECEIVED late last evening a note from Lord Castlereagh, of which the enclosed is a copy, together with the declaration to which it refers.

I hasten to communicate to you these important documents, as they appear to manifest definitively the determination of this government to persevere in its actual system, and to support, with every sort of pretext, the pretext of retaliation on which it was originally founded.

I have the honour to be, &c.

(Signed)

JONA. RUSSELL.

Lord Castlereagh to Mr. Russell.

THE undersigned, his majesty's principal secretary of state for foreign affairs, is commanded by his royal highness the prince regent, to transmit to Mr. Russell, charge d'affaires of the government of the United States of America, the enclosed copy of a declaration, accompanying an order in council, which has been this day passed by his royal highness the prince regent in council.

The undersigned is commanded by the prince regent to request that Mr. Russell, in making this communication to his government, will represent this measure, as one conceived in the true spirit of conciliation, and with a due regard on the part of his royal highness to the honour and interests of the United States; and the undersigned ventures to express his confident hope that this decisive proof

of the amicable sentiments which animate the councils of his royal highness towards America, may accelerate the return of amity and mutual confidence between the two states.

The undersigned avails himself of this opportunity to repeat to Mr. Russell the assurances of his high consideration.
(Signed) CASTLEREAGH.

Foreign Office, April 21, 1812.

DECLARATION.

THE government of France having, by an official report communicated by its minister of foreign affairs, to the conservative senate, on the 10th day of March last, removed all doubts as to the perseverance of that government in the assertion of principles, and in the maintenance of a system, not more hostile to the maritime rights and commercial interests of the British empire, than inconsistent with the rights and independence of neutral nations; and having thereby plainly developed the inordinate pretensions, which that system, as promulgated in the decrees of Berlin and Milan, was from the first designed to enforce, his royal highness the prince regent, acting in the name and on the behalf of his majesty, deems it proper, upon this formal and authentick republication of the principles of those decrees, thus publickly to declare his royal highness's determination still firmly to resist the introduction and establishment of this arbitrary code, which the government of France openly avows its purpose to impose by force upon the world, as the law of nations.

From the time that the progressive injustice and violence of the French government made it impossible for his majesty any longer to restrain the exercise of the rights of war within their ordinary limits, without submitting to consequences not less ruinous to the commerce of his dominions, than derogatory to the rights of his crown, his majesty has endeavoured by a restricted and moderate use of those rights of retaliation, which the Berlin and Milan decrees necessarily called into action, to reconcile neutral

states to those measures, which the conduct of the enemy had rendered unavoidable, and which his majesty has at all times professed his readiness to revoke, so soon as the decrees of the enemy, which gave occasion to them, should be formally and unconditionally repealed, and the commerce of neutral nations be restored to its accustomed course.

At a subsequent period of the war, his majesty, availing himself of the then situation of Europe, without abandoning the principle and object of the orders in council of November, 1807, was induced so to limit their operation, as materially to alleviate the restrictions thereby imposed upon neutral commerce. The order in council of April, 1809, was substituted in the room of those of November, 1807, and the retaliatory system of Great Britain acted no longer on every country in which the aggressive measures of the enemy were in force, but was confined in its operation to France, and to the countries upon which the French yoke was most strictly imposed, and which had become virtually a part of the dominions of France.

The United States of America remained, nevertheless, dissatisfied; and their dissatisfaction has been greatly increased by an artifice, too successfully employed on the part of the enemy, who has pretended that the decrees of Berlin and Milan were repealed, although the decree effecting such repeal has never been promulgated; although the notification of such pretended repeal distinctly described it to be dependent on conditions, in which the enemy knew Great Britain could never acquiesce; and although abundant evidence has since appeared of their subsequent execution.

But the enemy has at length laid aside all dissimulation; he now publicly and solemnly declares, not only that those decrees still continue in force, but that they shall be rigidly executed until Great Britain shall comply with additional conditions, equally extravagant; and he further announces the penalties of those decrees to be in full force against all nations which shall suffer their flag to be, as it is termed in this new code, "denationalized."

In addition to the disavowal of the blockade of May, 1806, and of the principles on which that blockade was established, and in addition to the repeal of the British orders in council, he demands an admission of the principles, that the goods of an enemy, carried under a neutral flag, shall be treated as neutral; that neutral property, under the flag of an enemy, shall be treated as hostile; that arms and warlike stores alone (to the exclusion of ship timber, and other articles of naval equipment) shall be regarded as contraband of war; and that no ports shall be considered as lawfully blockaded, except such as are invested and besieged, in the presumption of their being taken [*en prevention d'être pris,*] and into which a merchant ship cannot enter without danger.

By these and other demands the enemy in fact requires, that Great Britain, and all civilized nations shall renounce at his arbitrary pleasure, the ordinary and indisputable rights of maritime war; that Great Britain in particular, shall forego the advantages of her naval superiority, and allow the commercial property as well as the produce and manufactures of France and her confederates, to pass the ocean in security, whilst the subjects of Great Britain are to be in effect proscribed from all commercial intercourse with other nations; and the produce and manufactures of these realms are to be excluded from every country in the world, to which the arms or the influence of the enemy can extend.

Such are the demands to which the British government is summoned to submit; to the abandonment of its most ancient, essential, and undoubted maritime rights. Such is the code by which France hopes, under the cover of a neutral flag, to render her commerce unassailable by sea; whilst she proceeds to invade or to incorporate with her own dominions all states that hesitate to sacrifice their national interests at her command, and, in abdication of their just rights, to adopt a code by which they are required to exclude, under the mask of municipal regulations, whatever is British from their dominions.

The pretext for these extravagant demands is, that

some of these principles were adopted by voluntary compact in the treaty of Utrecht; as if a treaty once existing between two particular countries, founded on special and reciprocal considerations, binding only on the contracting parties, and which in the last treaty of peace between the same powers, had not been revived, were to be regarded as declaratory of the publick law of nations.

It is needless for his royal highness, to demonstrate the injustice of such pretensions. He might otherwise appeal to the practice of France herself in this and in former wars, and to her own established codes of maritime law. It is sufficient that these new demands of the enemy form a wide departure from those conditions on which the alleged repeal of the French decrees was accepted by America; and upon which alone erroneously assuming that repeal to be complete, America has claimed a revocation of the British orders in council.

His royal highness, upon a review of all these circumstances, feels persuaded that so soon as this formal declaration by the government of France, of its unabated adherence to the principles and provisions of the Berlin and Milan decrees, shall be made known in America, the government of the United States, actuated not less by a sense of justice to Great Britain, than by what is due to its own dignity, will be disposed to recall those measures of hostile exclusion, which, under a misconception of the real views and conduct of the French government, America has exclusively applied to the commerce and ships of war of Great Britain.

To accelerate a result so advantageous to the true interests of both countries, and so conducive to the re-establishment of perfect friendship between them; and to give a decisive proof of his royal highness's disposition to perform the engagements of his majesty's government, by revoking the orders in council whenever the French decrees shall be actually and unconditionally repealed, his royal highness the prince regent, has been this day pleased, in the name and on the behalf of his majesty, and by and with the

advice of his majesty's privy council, to order and declare :

“ That if at any time hereafter, the Berlin and Milan decrees shall, by some authentick act of the French government publickly promulgated, be expressly and unconditionally repealed, then and from thenceforth the order in council of the 7th day of January, 1807, and the order in council of the 26th day of April, 1809, shall, without any further order, be, and the same hereby are declared from thenceforth to be wholly and absolutely revoked : and further, that the full benefit of this order shall be extended to any ship or vessel captured subsequent to such authentick act of repeal of the French decrees, although antecedent to such repeal, such ship or vessel shall have commenced and shall be in the prosecution of a voyage, which, under the said orders in council or one of them, would have subjected her to capture and condemnation ; and the claimant of any ship or cargo which shall be captured at any time subsequent to such authentick act of repeal by the French government, shall, without any further order or declaration on the part of his majesty's government on this subject, be at liberty to give in evidence in the high court of admiralty or any court of vice admiralty, before which such ship or vessel or its cargo shall be brought for adjudication, that such repeal by the French government had been by such authentick act promulgated prior to such capture ; and upon proof thereof the voyage shall be deemed and taken to have been as lawful as if the said orders in council had never been made ; saving, nevertheless, to the captors such protection and indemnity as they may be equitably entitled to, in the judgment of the said court, by reason of their ignorance or uncertainty as to the repeal of the French decrees, or of the recognition of such repeal by his majesty's government, at the time of such capture.

“ His royal highness, however, deems it proper to declare, that, should the repeal of the French decrees, thus anticipated and provided for, afterwards prove to have been illusory on the part of the enemy ; and should the restrictions thereof be still practically enforced or revived by

the enemy, Great Britain will be obliged, however reluctantly, after reasonable notice to neutral powers, to have recourse to such measures of retaliation as may then appear to be just and necessary."

Westminster, April 21, 1812.

At the court at Carleton House, the twenty-first of April, one thousand eight hundred and twelve, present, his Royal Highness, the Prince Regent in council.

WHEREAS, the government of France has, by an official report, communicated by its minister for foreign affairs to the conservative senate, on the tenth of March last, removed all doubts as to the perseverance of that government in the assertion of principles, and in the maintenance of a system, not more hostile to the maritime rights and commercial interests of the British empire, than inconsistent with the rights and independence of neutral nations, and has thereby plainly developed the inordinate pretensions which that system, as promulgated in the decrees of Berlin and Milan, was from the first designed to enforce :

And whereas, his majesty has invariably professed his readiness to revoke the orders in council, adopted thereupon, as soon as the said decrees of the enemy should be formally and unconditionally repealed, and the commerce of neutral nations restored to its accustomed course :

His royal highness the prince regent (anxious to give the most decisive proof of his royal highness's disposition to perform the engagements of his majesty's government) is pleased, in the name and on the behalf of his majesty, and by and with the advice of his majesty's privy council, to order and declare, and it is hereby ordered and declared, that if, at any time hereafter, the Berlin and Milan decrees shall, by some authentick act of the French government, publicly promulgated, be absolutely and unconditionally repealed, then, and from thenceforth, the order in council of the seventh day of January, one thousand eight hundred and seven, and the order in council of the twenty-sixth day of April, one thousand eight hundred and nine, shall, without any further order, be, and the same are hereby

declared from thenceforth to be wholly and absolutely revoked: And further, that the full benefit of this order shall be extended to any ship or cargo captured subsequent to such authentick act of repeal of the French decrees, although antecedent to such repeal such ship or vessel shall have commenced and shall be in the prosecution of a voyage which, under the said orders in council, or one of them would have subjected her to capture and condemnation; and the claimant of any ship or cargo which shall be captured or brought to adjudication, on account of any alleged breach of either of the said orders in council, at any time subsequent to such authentick act of repeal by the French government, shall, without any further order or declaration on the part of his majesty's government on this subject, be at liberty to give in evidence, in the high court of admiralty, or any court of vice-admiralty before which such ship or cargo shall be brought for adjudication, that such repeal by the French government had been, by such authentick act promulgated prior to such capture; and upon proof thereof, the voyage shall be deemed and taken to have been as lawful as if the said orders in council had never been made; saving, nevertheless, to the captors such protection and indemnity as they may be equitably entitled to in the judgment of the said court, by reason of their ignorance, or uncertainty as to the repeal of the French decrees, or of the recognition of such repeal by his majesty's government at the time of such capture.

His royal highness, however, deems it proper to declare, that, should the repeal of the French decrees, thus anticipated and provided for, prove afterwards to have been illusory on the part of the enemy; and should the restrictions thereof be still practically enforced, or revived by the enemy, Great Britain will be compelled, however reluctantly, after reasonable notice, to have recourse to such measures of retaliation as may then appear to be just and necessary.

And the right honourable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the

judge of the high court of admiralty, and the judges of the courts of vice-admiralty, are to take the necessary measures herein as to them shall respectively appertain.

(Signed)

CHETWYND.

Mr. Russell to Mr. Monroe. London, April 26, 1812.

[See page 251.]

Mr. Russell to Lord Castlereagh. 18 Bentinck Street, April 25, 1812.

[See page 251—8.]

Extract of a Letter from Mr. Russell to Mr. Monroe. London, May 1, 1812.

“THE declaration and order in council of the 21st ult. not only mark with the utmost precision the line of policy which the present ministry means inflexibly to pursue towards the United States, but, confirm my conjectures in relation to the instructions lately sent to Mr. Foster by the Mackerel. I have learnt, from a respectable source, that lord Sidmouth has declared, in reference to his attempt for a modification of the orders, that these measures were all that he could obtain. I wonder much how his lordship can suppose that in them he has obtained any thing.

“I have not yet received any reply to my note to lord Castlereagh of the 25th ultimo.”

Mr. Russell to Mr. Monroe. London, May 9, 1812.

SIR,

I HAVE the honour to hand you herewith a note from lord Castlereagh of the third of this month, acknowledging the receipt of that which I addressed to his lordship on the 25th ultimo. I am, sir, &c. &c. &c.

(Signed)

JONA. RUSSELL.

THE undersigned, his majesty's principal secretary for foreign affairs, has the honour to acknowledge the receipt of Mr. Russell's note of the 25th ultimo, in reply to that of the undersigned, dated the 21st, transmitting the declaration published on that day by order of his royal highness the prince regent, acting in the name and on the behalf of his majesty.

The undersigned cannot but express his sincere regret that the measure in question should have failed to produce a more favourable impression on Mr. Russell's mind: As his majesty's minister in America has been fully instructed to explain to the American government the motives which have influenced his majesty's government upon this occasion, the undersigned is commanded by the prince regent to abstain at present from entering into a discussion of those arguments against the declaration, which Mr. Russell has deemed it expedient to bring forward in his note of the 25th.

The undersigned avails himself of this opportunity of renewing to Mr. Russell the assurances of his great consideration.

(Signed)

CASTLEREAGH.

Foreign Office, May 3, 1812.

BRITISH ORDER IN COUNCIL OF JUNE 23, 1812, WITH THE CORRESPONDENCE RELATING THERETO.

[These papers have heretofore been laid before Congress, but they are again submitted as they have a relation to the report now made.]

Mr. Russell to Mr. Monroe. London, June 26, 1812.*

SIR,

I HAVE the honour to transmit to you, enclosed, an order in council issued by this government, on the 23d of this month, and copies of two notes from lord Castlereagh of

* We republish the first letter, because it differs from, and contains much more, than that of the same date, published in p. 349.

the same date, accompanying the communication of it to me, and also a copy of my note to him, of this day in reply.

I can but regret that in this document any reservation has been made of a power of restoring the orders of the 7th of January, 1807, and of the 26th of April, 1809, to their full effect, whenever it shall be judged expedient so to do, as such reservation manifests an intention to maintain the principle on which they were founded, and in which I conceive the United States can never acquiesce.

Had this reservation not been made, the revocation of those orders would, perhaps, accompanied as it is, with the verbal explanations of lord Castlereagh, alluded to in my note to him, have been considered to be as precise and complete as could reasonably, under every view of the subject, have been expected.

The reservation itself, although ungracious in appearance, will I trust, prove harmless in effect, and, I presume, this government will be long deterred by its experience, from carrying into practice a principle to which it appears to be determined so ostentatiously to adhere in the abstract.

I am, sir, &c.

JONA. RUSSELL.

Lord Castlereagh to Mr. Russell. Foreign Office, June 23, 1812.

[See page 352.]

Lord Castlereagh to Mr. Russell. Foreign Office, June 23, 1812.

[See page 352.]

At the Court at Carlton House, the 23d of June, 1812, present, his royal highness the prince regent in council.

[See page 350.]

Mr. Russell to Lord Castlereagh. 18, Bentinck Street, June 26, 1812.

[See page 353.]

Mr. Russell to the Secretary of State. London, July 2, 1812.

[See page 354.]

Lord Castlereagh to Mr. Russell. Foreign Office, June 29, 1812.

[See page 354.]

Mr. Russell to Lord Castlereagh. 18, Bentinck Street, July 1, 1812.

[See page 355.]

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JULY 20, 1813.

THERE being sufficient ground to infer, that it is the purpose of the enemy to combine with the blockade of our ports, special licenses to neutral vessels or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, whilst its general commerce remains obstructed; keeping in view also the insidious discrimination between different ports of the United States; and as such a system, if not counteracted, will have the effect of diminishing very materially the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time that it will leave the general commerce of the United States under all the pressure the enemy can impose, thus subjecting the whole to British regulation, in subserviency to British monopoly: I recommend to the consideration of Congress the expediency of an immediate and effectual prohibition of exports, limited to a convenient day in their next session, and removable in the mean time, in the event of a cessation of the blockade of our ports.

JAMES MADISON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO BOTH
HOUSES OF CONGRESS, AT THE COMMENCEMENT OF THE
SECOND SESSION OF THE THIRTEENTH CONGRESS. DEC.
7, 1813.

FELLOW CITIZENS OF THE SENATE
AND OF THE HOUSE OF REPRESENTATIVES,

IN meeting you at the present interesting conjuncture, it would have been highly satisfactory if I could have communicated a favourable result to the mission charged with negotiations for restoring peace. It was a just expectation from the respect due to the distinguished sovereign who had invited them by his offer of mediation, from the readiness with which the invitation was accepted on the part of the United States, and from the pledge to be found in an act of their legislature, for the liberality which their plenipotentiaries would carry into the negotiations, that no time would be lost by the British government in embracing the experiment for hastening a stop to the effusion of blood. A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not to submit rights or pretensions on either side to the decision of an umpire, but to afford merely an opportunity, honourable and desirable to both, for discussing, and if possible, adjusting them for the interest of both.

The British cabinet, either mistaking our desire of peace for a dread of British power, or misled by other fallacious calculations, has disappointed this reasonable anticipation. No communications from our envoys having reached us, no information on the subject has been received from that source. But it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British councils has taken place, or is to be expected.

Under such circumstances, a nation proud of its rights,

and conscious of its strength, has no choice but an exertion of the one in support of the other.

To this determination, the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms, both on the land and on the water.

Whilst proofs have been continued of the enterprise and skill of our cruisers, publick and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel of war, after an action giving celebrity to the name of the victorious commander; the great inland waters, on which the enemy were also to be encountered, have presented achievements of our naval arms, as brilliant in their character as they have been important in their consequences.

On lake Erie, the squadron under command of captain Perry, having met the British squadron, of superior force, a sanguinary conflict ended in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country; and will fill an early page in its naval annals, with a victory never surpassed in lustre, however much it may have been in magnitude.

On lake Ontario, the caution of the British commander, favoured by contingencies, frustrated the efforts of the American commander to bring on a decisive action. Captain Chauncey was able, however, to establish an ascendancy on that important theatre; and to prove, by the manner in which he effected every thing possible, that opportunities only were wanted, for a more shining display of his own talents, and the gallantry of those under his command.

The success on lake Erie having opened a passage to the territory of the enemy, the officer commanding the north western army transferred the war thither; and rapidly pursuing the hostile troops fleeing with their savage associates, forced a general action, which quickly terminated in the capture of the British, and dispersion of the savage force.

This result is signally honourable to major general Har-

rison, by whose military talents it was prepared ; to colonel Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the ranks of the enemy ; and to the spirit of the volunteer militia, equally brave and patriotic, who bore an interesting part in the scene ; more especially to the chief magistrate of Kentucky at the head of them, whose heroism, signalized in the war which established the independence of his country, sought, at an advanced age, a share in hardships and battles, for maintaining its rights and its safety.

The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign power ; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned ; and to relieve an extensive region of country from a merciless warfare which desolated its frontiers, and imposed on its citizens the most harassing services.

In consequence of our naval superiority on lake Ontario, and the opportunity afforded by it for concentrating our forces by water, operations, which had been provisionally planned, were set on foot against the possessions of the enemy on the St. Lawrence. Such, however, was the delay produced, in the first instance, by adverse weather of unusual violence and continuance, and such the circumstances attending the final movements of the army, that the prospect, at one time so favourable, was not realized.

The cruelty of the enemy, in enlisting the savages into a war with a nation desirous of mutual emulation in mitigating its calamities, has not been confined to any one quarter. Wherever they could be turned against us, no exertions to effect it have been spared. On our southwestern border, the Creek tribes, who, yielding to our persevering endeavours, were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism recently propagated among them.

It was necessary to crush such a war before it could

spread among the contiguous tribes, and before it could favour enterprises of the enemy into that vicinity. With this view a force was called into the service of the United States from the states of Georgia and Tennessee, which, with the nearest regular troops, and other corps from the Mississippi territory, might not only chastise the savages into present peace, but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was espoused; and the best hopes of a satisfactory issue are authorized by the complete success with which a well planned enterprise was executed against a body of hostile savages, by a detachment of the volunteer militia of Tennessee, under the gallant command of general Coffee; and by a still more important victory over a larger body of them, gained under the immediate command of major general Jackson, an officer equally distinguished for his patriotism and his military talents.

The systematick perseverance of the enemy in courting the aid of the savages in all quarters, had the natural effect of kindling their ordinary propensity to war into a passion, which, even among those best disposed towards the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them, has thus been forced upon us. But, in yielding to it, the retaliation has been mitigated as much as possible, both in its extent and in its character; stopping far short of the example of the enemy, who owe the advantages they have occasionally gained in battle, chiefly to the number of their savage associates, and who have not controlled them either from their usual practice of indiscriminate massacre on defenceless inhabitants, or from scenes of carnage without a parallel, on prisoners to the British arms, guarded by all the laws of humanity and of honourable war. For these enormities, the enemy are equally responsible, whether with the power to prevent them they want the will, or with the

knowledge of a want of power they still avail themselves of such instruments.

In other respects the enemy are pursuing a course which threatens consequences most afflicting to humanity.

A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States; and naturalized subjects are, in war, employed by her government in common with native subjects. In a contiguous British province, regulations promulgated since the commencement of the war, compel citizens of the United States, being there under certain circumstances, to bear arms; whilst of the native emigrants from the United States, who compose much of the population of the province, a number have actually borne arms against the United States within their limits; some of whom, after having done so, have become prisoners of war, and are now in our possession. The British commander in that province, nevertheless, with the sanction, as appears, of his government, thought proper to select from American prisoners of war, and send to Great Britain for trial, as criminals, a number of individuals who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society, in the modes recognised by the law and the practice of Great Britain, and who were made prisoners of war under the banners of their adopted country, fighting for its rights and its safety.

The protection due to these citizens requiring an effectual interposition in their behalf, a like number of British prisoners of war were put into confinement, with a notification that they would experience whatever violence might be committed on the American prisoners of war sent to Great Britain.

It was hoped that this necessary consequence of the step unadvisedly taken on the part of Great Britain, would have led her government to reflect on the inconsistencies of its conduct, and that a sympathy with the British, if not with the American sufferers, would have arrested the cruel career opened by its example.

This was unhappily not the case. In violation both of consistency and of humanity, American officers and non-commissioned officers, in double the number of the British soldiers confined here, were ordered into close confinement, with formal notice, that in the event of a retaliation for the death which might be inflicted on the prisoners of war sent to Great Britain for trial, the officers so confined would be put to death also. It was notified at the same time, that the commanders of the British fleets and armies on our coasts are instructed, in the same event, to proceed with a destructive severity against our towns and their inhabitants.

That no doubt might be left with the enemy of our adherence to the retaliatory resort imposed on us, a correspondent number of British officers, prisoners of war in our hands, were immediately put into close confinement, to abide the fate of those confined by the enemy; and the British government has been apprized of the determination of this government, to retaliate any other proceedings against us contrary to the legitimate modes of warfare.

It is as fortunate for the United States that they have it in their power to meet the enemy in this deplorable contest, as it is honourable to them, that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The views of the French government on the subjects which have been so long committed to negotiation, have received no elucidation since the close of your late session. The minister plenipotentiary of the United States at Paris had not been enabled, by proper opportunities, to press the objects of his mission, as prescribed by his instructions.

The militia being always to be regarded as the great bulwark of defence and security for free states, and the constitution having wisely committed to the national authority the use of that force, as the best provision against an unsafe military establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, I recommend to Congress a

revision of the militia laws for the purpose of securing, more effectually, the services of all detachments called into the employment and placed under the government of the United States.

It will deserve the consideration of Congress also, whether, among other improvements in the militia laws, justice does not require a regulation, under due precautions, for defraying the expense incident to the first assembling as well as the subsequent movements of detachments called into the national service.

To give to our vessels of war, publick and private, the requisite advantage in their cruises, it is of much importance that they should have, both for themselves and their prizes, the use of the ports and markets of friendly powers. With this view, I recommend to Congress the expediency of such legal provisions as may supply the defects, or remove the doubts of the executive authority to allow to the cruisers of other powers, at war with enemies of the United States, such use of the American ports as may correspond with the privileges allowed by such powers to American cruisers.

During the year ending on the 30th September last, the receipts into the treasury have exceeded thirty-seven millions and a half of dollars, of which near twenty-four millions were the produce of loans. After meeting all the demands for the publick service, there remained in the treasury on that day near seven millions of dollars. Under the authority contained in the act of the 2d of August last, for borrowing seven millions and a half of dollars, that sum has been obtained on terms more favourable to the United States than those of the preceding loan made during the present year. Further sums to a considerable amount will be necessary to be obtained in the same way during the ensuing year; and from the increased capital of the country, from the fidelity with which the publick engagements have been kept, and the publick credit maintained, it may be expected on good grounds that the necessary pecuniary supplies will not be wanting.

The expenses of the current year, from the multiplied

operations falling within it, have necessarily been extensive. But on a just estimate of the campaign, in which the mass of them has been incurred, the cost will not be found disproportionate to the advantages which have been gained. The campaign has indeed, in its latter stages in one quarter, been less favourable than was expected, but in addition to the importance of our naval success, the progress of the campaign has been filled with incidents highly honourable to the American arms.

The attacks of the enemy on Craney island, on fort Meigs, on Sackett's harbour, and on Sandusky, have been vigorously and successfully repulsed; nor have they in any case succeeded on either frontier, excepting when directed against the peaceable dwellings of individuals, or villages unprepared or undefended.

On the other hand the movements of the American army have been followed by the reduction of York, and of forts George, Erie, and Malden; by the recovery of Detroit and the extinction of the Indian war in the west; and by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the St. Lawrence, which, though not accomplishing their entire objects, reflect honour on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the south, over one of the most powerful, which had become one of the most hostile also, of the Indian tribes.

It would be improper to close this communication without expressing a thankfulness, in which all ought to unite, for the numerous blessings with which our beloved country continues to be favoured; for the abundance which overspreads our land, and the prevailing health of its inhabitants; for the preservation of our internal tranquillity, and the stability of our free institutions; and above all for the light of divine truth, and the protection of every man's conscience in the enjoyment of it. And although among our blessings we cannot number an exemption from the evils of war; yet these will never be regarded as the greatest of evils, by the friends of liberty and of the rights of nations.

Our country has before preferred them to the degraded condition which was the alternative, when the sword was drawn in the cause which gave birth to our national independence; and none who contemplate the magnitude, and feel the value of that glorious event, will shrink from a struggle to maintain the high and happy ground on which it placed the American people.

With all good citizens, the justice and necessity of resisting wrongs and usurpations no longer to be borne, will sufficiently outweigh the privations and sacrifices inseparable from a state of war. But it is a reflection, moreover, peculiarly consoling, that whilst wars are generally aggravated by their baneful effects on the internal improvements and permanent prosperity of the nations engaged in them, such is the favoured situation of the United States, that the calamities of the contest into which they have been compelled to enter, are mitigated by improvements and advantages of which the contest itself is the source.

If the war has increased the interruptions of our commerce, it has at the same time cherished and multiplied our manufactures, so as to make us independent of all other countries for the more essential branches, for which we ought to be dependent on none; and is even rapidly giving them an extent which will create additional staples in our future intercourse with foreign markets.

If much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value, and necessary to our permanent safety.

If the war has exposed us to increased spoliations on the ocean, and to predatory incursions on the land, it has developed the national means of retaliating the former, and of providing protection against the latter; demonstrating to all, that every blow aimed at our maritime independence is an impulse accelerating the growth of our maritime power.

By diffusing through the mass of the nation the elements of military discipline and instruction, by augmenting and distributing warlike preparations, applicable to future use, by evincing the zeal and valour with which they will be

employed, and the cheerfulness with which every necessary burden will be borne ; a greater respect for our rights and a longer duration of our future peace, are promised, than could be expected without these proofs of the national character and resources.

The war has proved, moreover, that our free government, like other free governments, though slow in its early movements, acquires in its progress a force proportioned to its freedom ; and that the union of these States, the guardian of the freedom and safety of all and of each, is strengthened by every occasion that puts it to the test.

In fine, the war, with all its vicissitudes, is illustrating the capacity and the destiny of the United States to be a great, a flourishing, and a powerful nation ; worthy of the friendship which it is disposed to cultivate with all others ; and authorized, by its own example, to require from all an observance of the laws of justice and reciprocity. Beyond these their claims have never extended ; and in contending for these, we behold a subject for our congratulations, in the daily testimonies of increasing harmony throughout the nation, and may humbly repose our trust in the smiles of heaven on so righteous a cause.

JAMES MADISON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. DEC. 9, 1813.

THE tendency of our commercial and navigation laws in their present state, to favour the enemy, and thereby prolong the war, is more and more developed by experience. Supplies of the most essential kinds find their way, not only to British ports and British armies at a distance, but the armies in our neighbourhood, with which our own are contending, derive from our ports and outlets, a subsistence

attainable with difficulty, if at all, from other sources. Even the fleets and troops infesting our coasts and waters, are, by like supplies, accommodated and encouraged in their predatory and incursive warfare.

Abuses having a like tendency take place in our import trade. British fabrieks and products find their way into our ports, under the name and from the ports of other countries, and often in British vessels, disguised as neutrals by false colours and papers.

To these abuses it may be added, that illegal importations are openly made, with advantage to the violators of the law, produced by under valuations, or other circumstances involved in the course of the judicial proceedings against them.

It is found also, that the practice of ransoming is a cover for collusive captures, and a channel for intelligence advantageous to the enemy.

To remedy as much as possible these evils, I recommend :

That an effectual embargo on exports be immediately enacted :

That all articles, known to be derived, either not at all, or in an immaterial degree only, from the productions of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place, or in whatever vessels the same may be brought into the United States ; and that all violations of the non-importation act be subjected to adequate penalties :

That among the proofs of the neutral and national character of foreign vessels, it be required that the masters and supercargoes, and three fourths at least of the crews, be citizens or subjects of the country under whose flag the vessels sail :

That all persons concerned in collusive captures by the enemy, or in ransoming vessels or their cargoes from the enemy, be subjected to adequate penalties.

To shorten as much as possible the duration of the war,

it is indispensable that the enemy should feel all the pressure that can be given to it, and the restraints having that tendency will be borne with the greater cheerfulness by all good citizens, as the restraints will affect those most, who are most ready to sacrifice the interests of their country in pursuit of their own.

(Signed)

JAMES MADISON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JAN. 6, 1814.

I TRANSMIT for the information of Congress copies of a letter from the British secretary of state for foreign affairs to the secretary of state, with the answer of the latter.

In appreciating the accepted proposal of the government of Great Britain for instituting negotiations for peace, Congress will not fail to keep in mind that vigorous preparations for carrying on the war can in no respect impede the progress to a favourable result, whilst a relaxation of such preparations, should the wishes of the United States for a speedy restoration of the blessings of peace be disappointed, would necessarily have the most injurious consequences.

JAMES MADISON.

Lord Castlereagh to the Secretary of State. Foreign Office, Nov. 4, 1813.

SIR,

I HAVE the honour to enclose to you for the information of the President of the United States, a copy of a note which his Britannic majesty's ambassador at the court of St. Petersburg was directed to present to the Russian government, as soon as his royal highness, the prince regent was informed that plenipotentiaries had been nominated on the part of the American government for the purpose of negotiating for peace with Great Britain under the mediation of his imperial majesty.

His lordship having by the last courier from the imperial head quarters acquainted me that the American commissioners now at St. Petersburg have intimated, in reply to this overture, that they had no objection to a negotiation at London, and were equally desirous, as the British government had declared itself to be, that this business should not be mixed with the affairs of the continent of Europe, but that their powers were limited to negotiate under the mediation of Russia.

Under these circumstances, and in order to avoid an unnecessary continuance of the calamities of war, the prince regent commands me to transmit, by a flag of truce, to the American port nearest to the seat of government, the official note above mentioned, in order that the President, if he should feel disposed to enter upon a direct negotiation for the restoration of peace between the two states, may give his directions accordingly.

In making this communication, I can assure you that the British government is willing to enter into discussion with the government of America for the conciliatory adjustment of the differences subsisting between the two states, with an earnest desire on their part to bring them to a favourable issue, upon principles of perfect reciprocity not inconsistent with the established maxims of publick law, and with the maritime rights of the British empire.

The admiral commanding the British squadron on the American station will be directed to give the necessary protection to any persons proceeding to Europe, on the part of the government of the United States, in furtherance of this overture; or should the American government have occasion to forward orders to their commission at St. Petersburg, to give the requisite facilities, by cartel or otherwise, to the transmission of the same.

I have the honour to be, &c.

(Signed)

CASTLEREAGH.

[ENCLOSURE ALLUDED TO ABOVE.]

Translation of a Note from Lord Cathcart, to the Count de Nesselrode, dated Toplitz, September 1, 1813.

THE undersigned ambassador of his Britannic majesty to the emperor of all the Russias, desiring to avail himself of the first occasion to renew the subject respecting America, which was brought into discussion in a conference at the moment of departure from Reichenbach, has the honour to address this note to his excellency the count de Nesselrode.

Although the prince regent, for reasons which have been already made known, has not found himself in a situation to accept the mediation of his imperial majesty for terminating the discussions with the United States of America, his royal highness desires, nevertheless, to give effect to the beneficent wishes which his imperial majesty has expressed of seeing the war between Great Britain and America soon terminated, to the mutual satisfaction of the two governments.

With this view, his royal highness having learned that the envoys plenipotentiary of the United States for negotiating a peace with Great Britain, under the mediation of his imperial majesty, have arrived in Russia, notwithstanding that he finds himself under the necessity of not accepting the interposition of any friendly power in the question which forms the principal object in dispute between the two states, he is nevertheless ready to nominate plenipotentiaries to treat directly with the American plenipotentiaries.

His royal highness sincerely wishes that the conferences of these plenipotentiaries may result in re-establishing, between the two nations, the blessings and the reciprocal advantages of peace.

If, through the good offices of his imperial majesty, this proposition should be accepted, the prince regent would prefer that the conferences should be held at London, on account of the facilities which it would give to the discussions.

But if this choice should meet with insuperable obstacles, his royal highness would consent to substitute Gottenburg as the place nearest to England.

The undersigned, &c. (Signed) CATHCART.

The Secretary of State to Lord Castlereagh. Department of State, January 1814.

MY LORD,

I HAVE had the honour to receive by a flag of truce your lordship's letter of the 4th of November last, and a copy of a note which his Britannic majesty's ambassador at the court of St. Petersburg presented to the Russian government on the first of September preceding.

By this communication it appears that his royal highness the prince regent rejected the mediation offered by his imperial majesty to promote peace between the United States and Great Britain, but proposed to treat directly with the United States at Gottenburg or London, and that he had requested the interposition of the good offices of the emperor in favour of such an arrangement.

Having laid your lordship's communication before the President, I am instructed to state, for the information of his royal highness the prince regent, that the President has seen with regret this new obstacle to the commencement of a negotiation for the accommodation of differences between the United States and Great Britain. As the emperor of Russia was distinguished for his rectitude and impartiality, and was moreover engaged in a war, as an ally of England, whereby it was his interest to promote peace between the United States and Great Britain, the President could not doubt that his royal highness the prince regent would accept the mediation, which his imperial majesty had offered to them. It was the confidence with which the high character of the emperor inspired the President, that induced him, disregarding considerations, which a more cautious policy might have suggested, to accept the overture with promptitude, and to send ministers to St. Petersburg, to take advantage of it. It would have been very satisfactory to the President, if his royal high-

ness the prince regent had found it compatible with the views of Great Britain, to adopt a similar measure, as much delay might have been avoided, in accomplishing an object, which, it is admitted, is of high importance to both nations.

The course proposed as a substitute for negotiation at St. Petersburg, under the auspices of the emperor of Russia, could not, I must remark to your lordship, have been required for the purpose of keeping the United States unconnected against Great Britain, with any affairs of the continent. There was nothing in the proposed mediation tending to such a result. The terms of the overture indicated the contrary. In offering to bring the parties together, not as an umpire, but as a common friend, to discuss and settle their differences and respective claims, in a manner satisfactory to themselves, his imperial majesty showed the interest which he took in the welfare of both parties.

Wherever the United States may treat, they will treat with the sincere desire they have repeatedly manifested, of terminating the present contest with Great Britain on conditions of reciprocity consistent with the rights of both parties, as sovereign and independent nations, and calculated not only to establish present harmony, but to provide, as far as possible, against future collisions which might interrupt it.

Before giving an answer to the proposition communicated by your lordship, to treat with the United States independently of the Russian mediation, it would have been agreeable to the President to have heard from the plenipotentiaries of the United States sent to St. Petersburg. The offer of a mediation by one power, and the acceptance of it by another, forms a relation between them, the delicacy of which cannot but be felt. From the known character however of the emperor, and the benevolent views with which his mediation was offered, the President cannot doubt that he will see with satisfaction a concurrence of the United States in an alternative, which, under existing circumstances, affords the best prospect of obtaining speedily what

was the object of his interposition. I am accordingly instructed to make known to your lordship, for the information of his royal highness the prince regent, that the President accedes to his proposition, and will take the measures depending on him for carrying it into effect at Gottenburg, with as little delay as possible ; it being presumed, that his majesty the king of Sweden, as the friend of both parties, will readily acquiesce in the choice of a place for their pacifick negotiations, within his dominions.

The President is duly sensible of the attention of his royal highness the prince regent, in giving the orders to the admiral commanding the British squadron on this coast, which your lordship has communicated.

I have the honour to be, &c.

JAMES MONROE.

MESSAGE

FROM THE PRESIDENT TO THE HOUSE OF REPRESENTATIVES. JAN. 18, 1814.

I TRANSMIT to the House of Representatives a report of the Secretary of State complying with their resolution of the 13th inst.

JAMES MADISON.

REPORT.

THE Secretary of State, to whom was referred the resolution of the House of Representatives, of the 13th inst. requesting the President to lay before the house such documents relative to the Russian mediation, as in his opinion it may not be improper to communicate, has the honour to transmit to the President, for the information of the House, the following letters in relation to that subject, viz :

A letter in French (with a translation) from Mr. Daschkoff, envoy extraordinary and minister plenipotentiary of his majesty the emperour of Russia, to the secretary of state, of the 8th March, 1813, with the answer of the secretary of state of the 11th March.

An extract of a letter from the secretary of state, to Mr. Adams, minister of the United States at St. Petersburg, of the 1st July, 1812, and four letters and extracts from Mr. Adams to the secretary of state, bearing date respectively on the 30th Sept. 17th Oct. and 11th Dec. 1812, and on the 26th June, 1813.

All which is respectfully submitted.

JAMES MONROE.

Department of State, Jan. 18, 1814.

[TRANSLATION.]

Mr. De Daschkoff, envoy extraordinary and minister plenipotentiary of his imperial majesty the Emperour of all the Russias, to the Secretary of State of the U. States.

THE undersigned, envoy extraordinary and minister plenipotentiary of his majesty the Emperour of all the Russias, has the honour to make known to the secretary of state of the United States of America, that he has just received orders from the emperour his master, to make the following overture to his excellency the President of the United States.

The peace of Russia with England seemed to present this immense advantage to the commerce of nearly all sea faring people, that it freed their relations from that constraint, from that continual vexation to which it had been subjected for many years without intermission. The emperour viewed with pleasure a result so conformable to all his wishes, and which appeared as not being at all doubtful. It became so, however, by the war between England and America.

The undersigned is directed to express to the President of the United States the regret with which his imperial majesty foresees the great shackles which this new episode is about to oppose to the commercial prosperity of nations. The love of humanity and what he owes to his subjects, whose commerce has already sufficiently suffered, command him to do every thing in his power to remove the evils which this war is preparing even for those nations who will not take part in it.

His majesty, who takes pleasure in doing justice to the

wisdom of the government of the United States of America, is convinced that it has done all that it could do to prevent this rupture, but that treating of it directly would take away from the negotiation all semblance of impartiality. In a direct discussion, every thing would tend to excite the prejudices and the asperity of the parties. To obviate this inconvenience his majesty the emperor, gratified at being able to give a proof of his friendship alike for his majesty the king of Great Britain and the United States of America, wished to offer to them his mediation, and charged the undersigned to propose it to the President of the United States.

The undersigned having the honour to communicate to the secretary of state the sentiments and the wishes of his imperial majesty, begs him to make them known to the President of the United States. The emperor would feel great satisfaction if a like disposition on the part of the government of the United States should have the effect of stopping the progress of this new war, and of extinguishing it in its origin. From the satisfactory assurances which the President of the United States has constantly given to the undersigned of the sentiments of regard and friendship on the part of the United States, and of his excellency for Russia, and particularly for the august person of his majesty, he cannot but flatter himself that he will receive an answer which shall correspond with the generous wishes of the emperor his master.

The undersigned cannot refrain from expressing on this occasion, to the secretary of state, his individual wishes for whatever may have a tendency to re-establish active relations between Russia and the United States, and to advance the prosperity of the republick.

He seizes with eagerness this occasion to renew to the secretary of state the assurance of his highest consideration and respect.

(Signed)

ANDRE DE DASCHKOFF.

Washington, 24th Feb. (March 8) 1813.

[COPY.] *The Secretary of State to Mr. Daschkoff. Department of State, March 11, 1813.*

SIR,

I HAVE had the honour to receive your note of the 8th inst. making known to the President of the United States the disposition of his majesty the emperor of Russia, to promote peace, by his friendly mediation, between the United States and Great Britain.

I am instructed by the President to assure you, that he sees in this overture, on the part of your sovereign, strong proofs of that humane and enlightened policy, which have characterized his reign. It was impossible that a war between the United States and Great Britain should not materially affect the commerce of Russia, and it was worthy the high character of a prince, distinguished by his attachment to the interests of his people, to interpose his good offices for the restoration of peace. The President sees, at the same time, in this overture, and in the circumstances attending it, a strong proof of the friendly interest which his imperial majesty takes in the welfare of the United States.

The United States, conscious that they were not the aggressors in this contest; that on the contrary, they had borne great wrongs for a series of years, before they appealed to arms in defence of their rights, are willing and ready to lay them down as soon as Great Britain ceases to violate those rights.

The President is aware that many of the inconveniences resulting from a direct communication between the parties themselves may be avoided, by the mediation of a third power, especially one entitled to, and possessing the entire confidence of both the belligerents. To the claim of Russia to that distinguished consideration, the President does not hesitate to express on the part of the United States his full acknowledgment. He recollects with much satisfaction that during a period of great and general contention, the relations of friendship have always subsisted between the United States and Russia; and he finds in the personal

qualities, and high character of the emperor Alexander, a sacred pledge for the justice and impartiality which may be expected from his interposition.

Influenced by these sentiments, the President instructs me to inform you, that he willingly accepts the mediation of your sovereign to promote peace between the United States and Great Britain. I am instructed also to state, that such arrangements will be made, without delay, as will afford to his imperial majesty the opportunity he has invited, to interpose his good offices for the accomplishment of so important an event. Of these arrangements I shall have the honour to advise you in an early communication. I have the honour to be, &c.

(Signed)

JAMES MONROE.

Extract of a Letter from the Secretary of State to John Quincy Adams, Esq. Minister Plenipotentiary of the United States at St. Petersburg. Department of State, July 1, 1812.

SIR,

“ ON the 18th ultimo a declaration of war against Great Britain passed Congress; of which, of the President’s message, and report of the committee of foreign relations of the house of representatives leading to it, I have the honour to transmit to you copies.

“ You are too well acquainted with the causes which produced this result to require any explanation of them. As it appeared that Great Britain would not revoke her orders in council, on the just grounds on which it was claimed, but enlarged the conditions on which she professed her willingness to revoke them, there remained no honourable course for the United States to pursue short of war. On full consideration of all circumstances, this measure was adopted, and the government is resolved to pursue it till its objects are accomplished, with the utmost decision and activity in its power.

“ In resorting to war against Great Britain, as the United States have done, by inevitable necessity, it is their desire and hope that it may be confined to her only.

“ It is seen with much regret that the emperour of Russia is likely to be reduced to the necessity of becoming a party to the war in Europe, if he has not already become so. Should that event take place, there is no reason why the war between the United States and Great Britain should affect, in the slightest degree, the very friendly relations which now exist between the United States and Russia. It is the sincere desire of this government to preserve, in their utmost extent, those relations with that power.

“ With France, our affairs in many important circumstances are still unsettled ; nor is there any certainty that a satisfactory settlement of them will be obtained. Should it however be the case, it is not probable that it will produce any closer connection between the United States and that power. It is not anticipated, that any event whatever will have that effect.”

Extract of a Letter from Mr. Adams to the Secretary of State. St. Petersburg, Sept. 30, 1813.

“ ON the 20th instant I received a note from the chancellor requesting me to call upon him the next evening, which I accordingly did ; he told me that he had asked to see me by the emperour’s command : that having made peace and established the relations of amity and commerce with Great Britain, the emperour was much concerned and disappointed to find the whole benefit which he expected his subjects would derive commercially from that event, defeated and lost by the new war which had arisen between the United States and England : that he had thought he perceived various indications that there was on both sides a reluctance at engaging in and prosecuting this war, and it had occurred to the emperour that perhaps an amicable arrangement of the differences between the parties might be accommodated more easily and speedily by indirect than by a direct negotiation : that his majesty had directed him to see me, and to inquire if I was aware of any difficulty or obstacle on the part of the government of the United States, if he should offer his mediation for

the purpose of effecting a pacification. I answered that it was obviously impossible for me to speak on this subject any otherwise than from the general knowledge which I had of the sentiments of my government ; that I was so far from knowing what their ideas were with regard to the continuance of the war, that I had not to that day received any official communication of its declaration ; but that I well knew it was with reluctance they had engaged in the war ; that I was very sure, whatever determination they might form upon the proposal of the emperour's mediation, they would receive and consider it as a new evidence of his majesty's regard and friendship for the United States, and that I was not aware of any obstacle or difficulty which could occasion them to decline accepting it.

“ I knew the war would affect unfavourably the interest of Russia. I knew it must be highly injurious both to the United States and England. I could see no good result as likely to arise from it to any one. The count replied, that he had considered it altogether in the same light, and so had the emperour, who was sincerely concerned at it, and who had himself conceived this idea of authorizing his mediation. He thought an indirect negotiation conducted here, aided by the conciliatory wishes of a friend to both parties, might smooth down difficulties which in direct discussion between the principals might be found insuperable. To a mutual friend, each party might exhibit all its claims, and all its complaints, without danger of exciting irritations or raising impediments. The part of Russia would only be to hear both sides, and to use her best endeavours to conciliate them. I observed that there was a third party to be consulted as to the proposal—the British government. The count answered, that it had already been suggested by him to the British ambassador, lord Cathcart, who had the day before despatched it by a messenger to his court. Some question occurred concerning the mode of enabling me to transmit this communication to the United States, upon which the count promised to see me again in the course of a few days. He said that he should write to Mr. Daschkoff, and instruct him to

make the proposition to the government of the United States."

*Mr. Adams to the Secretary of State. St. Petersburg,
October 17, 1812.*

SIR,

I RECEIVED a few days since a letter from Mr. Russell, dated at London, the 9th of September, and informing me that his mission there had closed, that he had received his passports, and that in three days from that time he should leave the city to embark at Plymouth for the United States. He adds that the British government had rejected a proposition which he had been authorized to make for a suspension of hostilities.

The evening before last I had another interview with the chancellor count Romanzoff, at his request. There had been rumours in circulation here of an armistice in Canada, and of the appointment of commissioners by the President for a new negotiation with Great Britain. The count asked me if I had any authentick information of these circumstances. I said I had not, that my information was altogether of a different aspect; and I told him the substance of Mr. Russell's communication. He then observed that this incident would not discourage this government from making an offer of its mediation, which he had suggested to me in a former conference. On the contrary, the failure of every new attempt at direct negotiation confirmed him in the belief and hope that a mediation might be more successful; a mediation of a common friend, not only desirous from the sentiment of friendship to see the parties reconciled to each other, but having also a strong interest of his own in their reconciliation.

The count said he had his despatches for Mr. Daschkoff ready, instructing him to make the proposition in form to the American government: and he asked me whether I could indicate to him a mode of transmitting them directly to the United States. In our former conversation (reported in my letter of the 30th ult.) I had offered to despatch one of the American vessels now at Constadt, if the

British ambassador would furnish her a passport, or any document that would protect her from capture by British armed vessels. The count said he had made the proposal to the ambassador, who had expressed his readiness to give the document, *provided* the vessel and messenger should go by the way of England, a condition which the count said he had told the ambassador he could not ask me to agree to, and with which I did not think it in fact suitable to comply. There are, however, two American gentlemen here on the point of departure for the United States, and by them I shall transmit this despatch and its duplicate, together with those of the chancellor to Mr. Daschkoff. *I am &c.*

(Signed)

JOHN Q. ADAMS.

*Mr. Adams to the Secretary of State. St. Petersburg,
Dec. 11, 1813.*

SIR,

ON the 4th inst. I received the duplicate of your favour of 1st July last, announcing the declaration by the Congress of the United States of war against Great Britain, and enclosing printed copies of the President's proclamation founded upon it, of his previous message recommending it, of the report of the committee of foreign relations proposing it, and of the National Intelligencer of the 20th June. The original of your letter with these documents not having yet come to hand, these gave me the first official communication of the war.

I had on the 7th inst. an interview with the chancellor count Romanzoff, in which I communicated to him the substance of that part of your despatch which related to Russia, and those which concern the state of our relations with France. In the present state of the war between this country and France, I was convinced that the view of the American government's intentions with regard to that power, so explicitly and so strongly manifested in your letter, would not only be gratifying to the chancellor, but that it would be satisfactory to the emperour, and would powerfully counteract any impressions unfavourable to the United States, which the English interest here is endea-

vouring to excite. I therefore told the count that although I had not been instructed to make to him any official communication of the declaration of war, the dispositions of the American government towards other powers, and particularly towards Russia, on this occasion, had been distinctly suggested to me, in a manner which I felt it my duty to make known to him. That the United States, compelled by unavoidable necessity to vindicate their violated rights against Great Britain by war, were desirous that it might be confined exclusively to them and their *enemy*, and that no other power might be involved in it. That it was particularly and earnestly their wish to preserve and maintain in their fullest extent their commercial and friendly relations with Russia. That the war in which the emperor is now engaged against France, although it could not be known by the President to have been actually commenced at the time when your despatch was written, was however contemplated as more than probable, and the necessity which obliged the emperor to take a part in it was mentioned to me as a cause of regret to the American government. But it was hoped it would not in the slightest degree affect the friendly dispositions between Russia and the United States. That I was informed by you that the principal subjects of discussion which had long been subsisting between us and France, remained unsettled. That there was no immediate prospect that there would be a satisfactory settlement of them; but that whatever the event in this respect might be, it was not the intention of the government of the United States to enter into any more intimate connexions with France. This disposition I added was expressed in terms as strong and clear as I thought language could afford. It was even observed that the government of the United States did not anticipate any event whatever that could produce that effect, and I was the more happy to find myself authorized by my government to avow that intention, as different representations of their views had been widely circulated as well in Europe as in America.

The count received this communication with assurances

of his own high satisfaction at its purport, and of his persuasion that it would prove equally satisfactory to the emperour, before whom he should lay it without delay. He said that with regard to the friendly and commercial relations with the United States, *it was the emperour's fixed determination to maintain them so far as depended upon him in their fullest extent.* He asked me if I had any objection to his communicating to the British government itself that part of my information to him which related to France. I said that, on the contrary, as the British government had in the course of our discussions with them frequently intimated the belief that the American government was partial to France, and even actuated by French influence, I supposed that the knowledge of this frank and explicit statement, with a due consideration of the time and occasion upon which it was made, must have a tendency to remove the prejudice of the British cabinet, and I would hope produce on their part a disposition more inclining to conciliation.

Yesterday the count sent a note requesting me to call upon him again, which I accordingly did. He showed me the draught of a despatch to the count Lieven the Russian ambassador in England, which he had prepared to lay before the emperour for his approbation, and which related the substance of my conversation with him, particularly in regard to the intentions of the American government with reference to France; instructing count Lieven to make it known to lord Castlereagh, and to use it for the purpose of convincing the British government of the error in suspecting that of the United States of any subserviency to France, in the expectation that it would promote in the British ministry the disposition to peace with the United States, which he (count Lieven) knew his imperial majesty had much at heart, believing it equally for the interest of both powers and also for that of his own empire. The chancellor said that as this despatch would refer to what I had verbally stated to him in our preceding conversation, he wished before submitting to the emperour, that I should peruse it to satisfy himself that he had connectedly repre-

sented the purport of my communication to him, and he desired me, if I should find any inaccuracy or variation from what I had said to him, to point it out to him, that he might make the despatch perfectly correspond with what I had said. I did accordingly notice several particulars in which the exact purport of what I had said might be expressed with more precision. He immediately struck out the passages which I noticed in this manner from the draught, and altered them to an exact conformity with the ideas I had intended to convey. The changes were inconsiderable, and were no otherwise material than as I was desirous of the utmost accuracy in the relation of what I had said under the authority of your despatch.

This communication of the *settled* determination of the American government not to contract any more intimate engagements with France, will thus be made to the British ministry with my full consent. The chancellor's despatch does not say that he was authorized by me to make it. It merely relates the substance of that part of my conversation with him, and directs count Lieven to use it with a view to promote the purpose of pacification.—The chancellor understands that my consent was merely my own act, without authority from you ; my motive in giving it was the same with that of his instruction to count Lieven, because I believed its tendency would be to promote the spirit of pacification in the British cabinet. I told the chancellor I was aware that its effect *might* be different. That the very certainty that we should not seek or even accept a community of cause with their most dreaded enemy might make them more indifferent to a peace with us. But, in calculating the operation of a generous purpose, even upon the mind of an inveterate enemy, I feel an irresistible impulse to the conclusion that it will be generous like itself. I asked the chancellor whether he had received an answer from England upon the proposal of the emperor's mediation. He said that, without accepting or rejecting it, they had intimated the belief that it would not be acceptable in America.

I am, &c. (Signed)

JOHN Q. ADAMS.

Extract of a Letter from Mr. Adams to the Secretary of State, dated St. Petersburg, June 26, 1813.

“ON the 15th instant I had an interview with the chancellor count Romanzoff, at his request, when he informed me that he had received answers from Mr. Daschkoff to the despatches of which Mr. Harris was the bearer. That the President had accepted the emperour's offer of mediation, and that Mr. Daschkoff had sent him a copy of your answer to him, expressive of that acceptance. He then put into my hands your letter to Mr. Daschkoff of March 11, with the tenour of which he appeared to be much gratified; and which he said he should immediately transmit to the emperour. At the same time English newspapers had been received here, mentioning the appointment of Messieurs Gallatin and Bayard, but intimating strongly the determination of the British government to reject the mediation. A few days after, I received from a friend the National Intelligencer of 15th April, containing an editorial paragraph concerning the appointment of those gentlemen, which I communicated to the count on the 22d. I observed to him, that however the British government might think proper to act on this occasion, that of the United States would at least have manifested, in a signal manner, at once its earnest and constant desire for a just and honourable peace, and its sense of the motives which had induced the emperour's offer. That the President could not have adopted a measure better adapted to do honour to his majesty's proposal, than by the appointment of two persons among the most distinguished of our citizens, to co-operate on the part of the United States, in accomplishing the emperour's friendly and benevolent purpose; and that if it should eventually fail of being successful, at least the true and only source of its failure would be known. That he had received, since he saw me last, despatches from count Lieven. That the British minister, in terms of much politeness, had intimated to him, that there was no sovereign whose mediation they should more

readily accept than that of the emperor, but that their differences with the United States were of a nature *involving principles of the internal government of the British nation*, and which it was thought were not susceptible of being committed to the discussion of any mediation. The count added, that it would remain to be considered, whether after this, and after the solemn step taken by the government of the United States, it would be advisable to renew the offer to the British ministry, and give them an opportunity for a reconsideration. It was possible that further reflection might lead to a different resolution, and he should submit the question to the emperor's determination. Different circumstances furnished other materials for deliberations."

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
HOUSE OF REPRESENTATIVES. JAN. 18, 1814.

I TRANSMIT to the house of representatives a report of the secretary of state complying with their resolution of the eleventh instant.

JAMES MADISON.

REPORT.

THE secretary of state, to whom was referred the resolution of the house of representatives of the 11th instant, requesting the President to communicate to the house any information in his possession, and which it may not be improper to divulge, in relation to the omission or refusal of the French government to accredit the minister plenipotentiary sent by the United States to that court, or of his reception if accredited, of the time when he was so accredited, and of the progress of his negotiation, has the honour to communicate to the President, for the informa-

tion of the house, the following letters in relation to that subject, viz.

A letter from Mr. Crawford to the secretary of state of the 15th August, 1813, enclosing one to the duke of Bassano of the 27th July, and his answer of 1st August; and an extract of a letter from Mr. Crawford to the secretary of state of the 8th of September, 1813.

Respectfully submitted,

JAMES MONROE.

Department of State, Jan. 18, 1814.

Mr. Crawford to Mr. Monroe. Paris, August 15, 1813.

SIR,

ON the 27th ult. I wrote to the duke of Bassano, to inform him of my arrival in Paris, in quality of minister plenipotentiary of the United States. On the 8th instant I received an answer dated at Dresden on the 1st. Copies of my note and of his answer are herewith enclosed.

With sentiments of high respect, &c.

(Signed)

WM. H. CRAWFORD.

Hon. JAMES MONROE, Secretary of State.

Mr. Crawford to the Duke of Bassano. Paris, July 27, 1813.

MY LORD,

I HAVE the honour to inform your excellency that I have been appointed, by the President of the United States of America, minister plenipotentiary to the court of his imperial and royal majesty, the emperour of the French and king of Italy. I wait the pleasure of your excellency as to the time and manner of presenting my official credentials, preparatory to my reception by the government of his imperial and royal majesty, as the accredited minister plenipotentiary of the United States of America.

I seize on the present occasion to assure your excellency of the distinguished consideration with which I have the honour to be, &c.

(Signed)

WM. H. CRAWFORD.

His Excellency the DUKE of BASSANO.

Translation of a Letter from the Duke of Bassano to Mr. Crawford, dated Dresden, August 1, 1813.

SIR,

I HAVE had great pleasure in hearing of your safe arrival in France, and I have received the letter which you did me the honour to address to me on the 27th of July, on your nomination in the quality of minister plenipotentiary of the United States to his imperial majesty the emperor of the French and king of Italy. The choice which your government has made of a person so distinguished in his own country, and so worthy of this honourable mission, cannot but be agreeable to his imperial majesty; and though he is at this time absent from Dresden, I can give you this assurance in his name. I will have the honour to communicate to you his intentions respecting the presentation of your letters of credence and your reception. Without waiting even for this, I will receive all the communications which you may think proper to make to me as the minister plenipotentiary of your government, and the delay of a formality will produce no delay in the exercise of the mission confided to you, or in the correspondence which it will procure for me the benefit of holding with you.

Accept, sir, the assurance of my high consideration.

(Signed)

DUKE OF BASSANO.

His Excellency Wm. H. CRAWFORD, &c. &c.

Extract of a Letter from Mr. Crawford to Mr. Monroe, dated Paris, September 8, 1813.

“ I HAVE just received an answer to the note which I addressed to the duke of Bassano, requesting Mrs. Barlow's passports. On the subject of recognition he says that he is very solicitous I should present my letter of credence to the emperor in Paris. He does not repeat his invitation to communicate with him. The operations of the war will probably detain the emperor in the north (until) the winter. It is believed that the duke of Bassano will not return before him. If this opinion should be realized, the

winter will be far advanced before I shall be able to draw the attention of the French government to the subjects of discussion between the two nations."

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
HOUSE OF REPRESENTATIVES. JAN. 19, 1814.

I TRANSMIT to the house of representatives a report of the Secretary of State, complying with their resolution of the 12th instant.

JAMES MADISON.

THE secretary of state, to whom was referred a resolution of the house of representatives of the 12th instant, requesting the President to lay before the house any correspondence with or communication in writing from the late minister of France, on or about the 14th June, 1809, or by his successor since, prescribing the conditions on which their sovereign would consent to treat of amity and commerce with the United States, &c. has the honour to make to the President the following report :

That of the transactions which took place in the department of state, before the Secretary of State came into office, which was in the year 1811, he has no means of acquiring a knowledge other than from the archives of the department, or from the persons entrusted with their safe keeping.

That he has caused the files of the department to be carefully examined for a communication described by the resolution of the house of representatives, and that none such has been found of the date therein referred to or of any other date from the former minister of France, or from his successor, or any trace or evidence of such a communication; that he has also inquired of the chief clerk of the department who has been in that office since the year 1807 concerning the same, and whose statement is annexed.

That no such communication was ever addressed to the secretary of state by the present minister of France.

All which is respectfully submitted.

JAMES MONROE.

Department of State, Jan. 18, 1814.

MR. GRAHAM'S STATEMENT.

I KNOW not how I can more clearly state every thing that I know relative to a letter which was recently published in some of the publick prints, from general Turreau to Robert Smith, Esq. and which I suppose to be the communication alluded to in the resolution of the house of representatives of the 12th instant, than by observing that when that letter as published was shown to me by a gentleman of this office, I told him I could not say whether it was genuine; that some parts did not appear new to me, but that other parts of it did. We immediately looked at general Turreau's file, and no such letter was there. I then observed that if it was genuine, it must be the letter from general Turreau which had been withdrawn.

The fact of one of his letters which I had translated for Mr. Smith, having been withdrawn, I distinctly remember, though I cannot speak with certainty either of its date or of its contents, more than four years having elapsed since I saw it; but I remember it was considered exceptionable, and that Mr. Smith directed me not to put it on the files, but to lay it aside. I can add too that it was the only letter from general Turreau which to my knowledge was ever withdrawn.

This letter was withdrawn by a gentleman attached to the French legation, who called at the department of state to get it, and it was delivered to him either by Mr. Smith himself or by me under his directions. When this was done, I cannot now recollect nor have I any means of ascertaining, except by reference to a subsequent event which happened in the month of November, 1809. I allude to the dismissal of Mr. Jackson. For I remember in a conversation I had with Mr. Smith respecting that occurrence

at the time it took place, he observed that he supposed general Turreau would now be glad he had withdrawn his letter.

In what way the translation of this letter has got into the publick prints, I know not, nor do I know where or by whom it was taken from this office.

JOHN GRAHAM,

Chief Clerk of the Department of State.

Department of State, 18th Jan. 1814.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. MARCH 31, 1814.

TAKING into view the mutual interest which the United States, and the foreign nations in amity with them, have in a liberal commercial intercourse, and the extensive changes favourable thereto, which have recently taken place; taking into view also the important advantages which may otherwise result from adapting the state of our commercial laws to the circumstances now existing :

I recommend to the consideration of Congress the expediency of authorizing, after a certain day, exportations, specie excepted, from the United States, in vessels of the United States, and in vessels owned and navigated by the subjects of powers at peace with them; and a repeal of so much of our laws as prohibits the importation of articles not the property of enemies, but produced or manufactured only within their dominions.

I recommend also, as a more effectual safeguard and encouragement to our growing manufactures, that the additional duties on imports, which are to expire at the end of one year after a peace with Great Britain, be prolonged to the end of two years after that event; and that, in favour of our moneyed institutions, the exportation of specie be prohibited throughout the same period.

JAMES MADISON.

REPORT.

THE committee of foreign relations to whom was referred the message of the President, of the 31st of March, submits to the house the following Report :

TAKING into consideration the great importance of the measures recommended, the committee think it a duty which they owe to the house and to the nation, to state the grounds on which their report is founded ; uniting with the executive in the policy of those measures, they wish to explain the reasons which have produced that union.

Of the past it is unnecessary to take a review : the attention of the committee is drawn with more solicitude to the future.

Previous to the late changes in Europe the bearing of our restrictive measures was, for the most part, confined to our enemies ; the obstructions to our commercial intercourse with the friendly powers of the world being in a manner insuperable.

At present a prospect exists of an extended commercial intercourse with them, highly important to both parties, and which, it may be presumed, they will find an equal interest and disposition to promote. Denmark, all Germany and Holland, heretofore under the double restraint of internal regulations and external blockades and depredations from a commerce with the United States, appear by late events to be liberated therefrom.

Like changes equally favourable to the commerce of this country appear to be taking place in Italy and the more eastern parts of the Mediterranean. With respect to Spain and Portugal, in the commerce with whom the United States have great interest, it may be expected that commerce may be carried on without the aid heretofore afforded to the enemy. Should peace take place between France and her enemies, including Great Britain, the commerce of the United States with France will fall under the same remarks.

The considerations of an internal nature which urge a

repeal of these acts, at this time, are not less forcible than those which have been already stated. Among those are the following: The committee are persuaded that it will considerably augment the publick revenue, and thereby maintain the publick credit; that it will enhance the price and promote the circulation of our produce, in lieu of specie, which has, of late, become so much the object of speculations tending to embarrass the government.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
HOUSE OF REPRESENTATIVES. APRIL 16, 1814.

I TRANSMIT to the house of representatives a report of the secretary of state complying with their resolution of the 13th instant.

JAMES MADISON.

REPORT.

THE secretary of state, to whom was referred the resolution of the house of representatives of the 13th instant, requesting information touching our relations with France, has the honour to submit to the President an extract of a letter from the minister plenipotentiary of the United States at Paris, which contains the latest, and the only material information received by this department on that subject. All which is respectfully submitted.

JAMES MONROE.

Department of State, April 16, 1814.

Extract of a Letter from Mr. Crawford to the Secretary of State. "Paris, January 16, 1814.

"ON the 29th ult. I had an interview with the minister of exterior relations, who informed me that he had made to the emperor a detailed report of the negotiation, and that he would inform me of his majesty's decision, the

moment it should be made known to him. His conversation during this interview was as conciliatory as it could be, and his expressions, though still general, admitted that indemnity was determined upon. The address of the senator count Segur to the inhabitants of the 18th military division of the empire, published in the *Moniteur* of the 15th instant, stated that his majesty was going to place himself at the head of his troops. Knowing that I should not be able to advance a single step in the negotiation during his absence, unless he should before his departure from Paris decide upon the classes of cases for which indemnity should be made, I determined to address a note to the Duke of Vicence, with a view to impress more strongly upon his mind the necessity of an immediate decision.

“The day on which I intended to present this note I was informed that the duke of Vicence had set out from Paris at 4 o'clock, A. M. for the head-quarters of the two emperours, which was then said to be in Switzerland. The general impression in Paris that day was that the emperor would set out immediately for Metz, where his army of reserve has been forming ever since he crossed the Rhine. This circumstance induced me to believe that the note would not produce any good effect; I therefore determined not to present it. The emperor is still in Paris, and I regret extremely that I did not adhere to my first determination, notwithstanding the absence of the minister of foreign relations. From the situation of affairs here, it is impossible to foresee the delays to which this perplexing business will yet be subject. In the first and only interview which I had with the duke of Bassano, he said expressly that the obstacles which his absence had thrown in the way of the negotiation should not occur again. Two months have not elapsed before the same obstacles are presented.”

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO BOTH
HOUSES OF CONGRESS, SEPT. 20, 1814.

FELLOW CITIZENS OF THE SENATE
AND OF THE HOUSE OF REPRESENTATIVES,

NOTWITHSTANDING the early day which had been fixed for your session of the present year, I was induced to call you together still sooner, as well that any inadequacy in the existing provisions for the wants of the treasury might be supplied, as that no delay might happen in providing for the result of the negotiations on foot with Great Britain, whether it should require arrangements adapted to a return of peace, or further and more effective provisions for prosecuting the war.

That result is not yet known. If, on one hand, the repeal of the orders in council, and the general pacification in Europe, which withdrew the occasion on which impressments from American vessels were practised, suggest expectations that peace and amity may be re-established; we are compelled, on the other hand, by the refusal of the British government to accept the offered mediation of the emperor of Russia; by the delays in giving effect to its own proposal of a direct negotiation; and above all, by the principles and manner in which the war is now avowedly carried on, to infer that a spirit of hostility is indulged more violent than ever, against the rights and prosperity of this country.

This increased violence is best explained by the two important circumstances, that the great contest in Europe, for an equilibrium guaranteeing all its states against the ambition of any, has been closed without any check on the overbearing power of Great Britain on the ocean; and that it has left in her hands disposable armaments, with which, forgetting the difficulties of a remote war against a free people; and yielding to the intoxication of success, with the example of a great victim to it before her eyes, she cherishes hopes of still further aggrandizing a power al-

ready formidable in its abuses to the tranquillity of the civilized and commercial world.

But, whatever may have inspired the enemy with these more violent purposes, the publick councils of a nation, more able to maintain than it was to acquire its independence, and with a devotion to it, rendered more ardent by the experience of its blessings, can never deliberate but on the means most effectual for defeating the extravagant views or unwarrantable passions, with which alone the war can now be pursued against us.

In the events of the present campaign, the enemy, with all his augmented means, and wanton use of them, has little ground for exultation, unless he can feel it in the success of his recent enterprises against this metropolis, and the neighbouring town of Alexandria; from both of which his retreats were as precipitate, as his attempts were bold and fortunate. In his other incursions on our Atlantic frontier, his progress, often checked and chastised by the martial spirit of the neighbouring citizens, has had more effect in distressing individuals, and in dishonouring his arms, than in promoting any object of legitimate warfare. And in the two instances mentioned, however deeply to be regretted on our part, he will find in his transient success, which interrupted for a moment only the ordinary publick business at the seat of government, no compensation for the loss of character with the world, by his violations of private property, and by his destruction of publick edifices, protected, as monuments of the arts, by the laws of civilized warfare.

On our side we can appeal to a series of achievements, which have given new lustre to the American arms. Besides the brilliant incidents in the minor operations of the campaign, the splendid victories gained on the Canadian side of the Niagara, by the American forces under major-general Brown, and brigadiers Scott and Gaines, have gained for these heroes, and their emulating companions, the most unfading laurels; and having triumphantly tested the progressive discipline of the American soldiery, have taught the enemy, that the longer he protracts his hostile

efforts, the more certain and decisive will be his final discomfiture.

On our southern border victory has continued also to follow the American standard. The bold and skilful operations of major general Jackson, conducting troops drawn from the militia of the states least distant, particularly of Tennessee, have subdued the principal tribes of hostile savages, and, by establishing a peace with them, preceded by recent and exemplary chastisement, has best guarded against the mischief of their co-operation with the British enterprises which may be planned against that quarter of our country. Important tribes of Indians on our north western frontier, have also acceded to stipulations which bind them to the interests of the United States, and to consider our enemy as theirs also.

In the recent attempt of the enemy on the city of Baltimore, defended by militia and volunteers, aided by a small body of regulars and seamen, he was received with a spirit which produced a rapid retreat to his ships; whilst a concurrent attack by a large fleet was successfully resisted by the steady and well-directed fire of the fort and batteries opposed to it.

In another recent attack by a powerful force on our troops at Plattsburg, of which regulars made a part only, the enemy, after a perseverance for many hours, was finally compelled to seek safety in a hasty retreat with our gallant bands pressing upon him.

On the lakes, so much contested throughout the war, the great exertions for the command made on our part have been well repaid. On lake Ontario our squadron is now, and has been for some time, in a condition to confine that of the enemy to his own port, and to favour the operations of our land forces on that frontier.

A part of the squadron on lake Erie has been extended into lake Huron, and has produced the advantage of displaying our command of that lake also. One object of the expedition was the reduction of Mackinaw, which failed with the loss of a few brave men, among whom was an officer justly distinguished for his gallant exploits. The

expedition, ably conducted by both the land and the naval commanders, was otherwise highly valuable in its effects.

On lake Champlain, where our superiority had for some time been undisputed, the British squadron lately came into action, with the American, commanded by captain Macdonough. It issued in the capture of the whole of the enemy's ships. The best praise for this officer and his intrepid comrades is in the likeness of his triumph to the illustrious victory, which immortalized another officer, and established, at a critical moment, our command of another lake.

On the ocean the pride of our naval arms has been amply supported. A second frigate has indeed fallen into the hands of the enemy, but the loss is hidden in the blaze of heroism with which she was defended. Captain Porter, who commanded her, and whose previous career had been distinguished by daring enterprise and by fertility of genius, maintained a sanguinary contest against two ships, one of them superior to his own, and under other severe disadvantages, till humanity tore down the colours which valour had nailed to the mast. This officer and his brave comrades have added much to the rising glory of the American flag, and have merited all the effusions of gratitude which their country is ever ready to bestow on the champions of its rights and of its safety.

Two smaller vessels of war have also become prizes to the enemy, but by a superiority of force, which sufficiently vindicates the reputation of their commanders; whilst two others, one commanded by captain Warrington, the other by captain Blakely, have captured British ships of the same class, with a gallantry and good conduct, which entitle them, and their companions, to a just share in the praise of their country.

In spite of the naval force of the enemy accumulated on our coasts, our private cruisers also have not ceased to annoy his commerce, and to bring their rich prizes into our ports; contributing thus, with other proofs, to demonstrate the incompetency and illegality of a blockade, the proclamation of which is made the pretext for vexing and

discouraging the commerce of neutral powers with the United States.

To meet the extended and diversified warfare adopted by the enemy, great bodies of militia have been taken into service for the publick defence, and great expenses incurred. That the defence every where may be both more convenient and more economical, Congress will see the necessity of immediate measures for filling the ranks of the regular army, and of enlarging the provision for special corps, mounted and unmounted, to be engaged for longer periods of service than are due from the militia. I earnestly renew, at the same time, a recommendation of such changes in the system of the militia, as by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the publick safety, all the requisite energy and efficiency.

The moneys received into the treasury during the nine months ending on the thirtieth day of June last, amounted to thirty-two millions of dollars, of which near eleven millions were the proceeds of the publick revenue, and the remainder derived from loans. The disbursements for publick expenditures during the same period exceeded thirty-four millions of dollars, and left in the treasury, on the first day of July, near five millions of dollars. The demands during the remainder of the present year already authorized by Congress, and the expenses incident to an extension of the operations of the war, will render it necessary that large sums should be provided to meet them.

From this view of the national affairs, Congress will be urged to take up, without delay, as well the subject of pecuniary supplies as that of military force, and on a scale commensurate with the extent and the character which the war has assumed. It is not to be disguised, that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and money; on the land and on the water. Availing himself of fortuitous advantages, he is aiming, with his undivided force, a deadly blow at our growing prosperity, perhaps at our national

existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnestness of it, in the plunder and wanton destruction of private property. In his pride of maritime dominion and in his thirst of commercial monopoly, he strikes with peculiar animosity at the progress of our navigation and of our manufactures. His barbarous policy has not even spared those monuments of the arts and models of taste, with which our country had enriched and embellished its infant metropolis. From such an adversary, hostility in its greatest force and in its worst forms, may be looked for. The American people will face it with the undaunted spirit, which in their revolutionary struggle defeated his unrighteous projects. His threats and his barbarities, instead of dismay, will kindle in every bosom an indignation not to be extinguished but in the disaster and expulsion of such cruel invaders. In providing the means necessary, the national legislature will not distrust the heroic and enlightened patriotism of its constituents. They will cheerfully and proudly bear every burden of every kind, which the safety and honour of the nation demand. We have seen them every where paying their taxes, direct and indirect, with the greatest promptness and alacrity. We see them rushing with enthusiasm to the scenes where danger and duty call. In offering their blood, they give the surest pledge that no other tribute will be withheld.

Having forborne to declare war until to other aggressions had been added the capture of nearly a thousand American vessels, and the impressment of thousands of American sea-faring citizens, and until a final declaration had been made by the government of Great Britain, that her hostile orders against our commerce would not be revoked, but on conditions as impossible as unjust; whilst it was known that these orders would not otherwise cease, but with a war which had lasted nearly twenty years, and which, according to appearances at that time, might last as many more; having manifested on every occasion, and in every proper mode, a sincere desire to arrest the effusion of blood, and meet our enemy on the ground of justice and

reconciliation, our beloved country, in still opposing to his persevering hostility all its energies, with an undiminished disposition towards peace and friendship on honourable terms, must carry with it the good wishes of the impartial world, and the best hopes of support from an Omnipotent and kind Providence.

JAMES MADISON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
SENATE. OCTOBER 3, 1814.

I TRANSMIT to the Senate a report from the department of state, complying with their resolution of the 26th ultimo.

JAMES MADISON.

THE undersigned, acting as secretary of state, to whom was referred the resolution of the senate, requesting the President to cause to be laid before the senate such information in his possession, respecting the existing state of the relations between the United States and the continental powers of Europe, as he may deem not improper to be communicated, has the honour to report:

That the relations of the United States with the continental powers of Europe continue to be those of peace and amity; nor is there, so far as is known to this department, reason to believe that an unfavourable change is likely to take place.

Measures have been taken to continue our diplomatick relations with France under the existing government, and to renew those with Spain, which have been for a time interrupted by the peculiar circumstances of that country. Diplomatick relations are also renewed with the United Provinces of the low countries. The new government has sent an envoy extraordinary and minister plenipotentiary to the United States, who has been received.

With the other powers of the continent of Europe, our

relations have undergone no change since the last session of Congress. All which is respectfully submitted.

JAMES MONROE.

Department of State, October 1, 1814.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO BOTH
HOUSES OF CONGRESS. OCTOBER 10, 1814.

I LAY before Congress communications just received from the plenipotentiaries of the United States, charged with negotiating peace with Great Britain; showing the conditions on which alone that government is willing to put an end to the war.

The instructions to those plenipotentiaries disclosing the grounds on which they were authorized to negotiate and conclude a treaty of peace, will be the subject of another communication.

JAMES MADISON.

Copy of a Letter from the Commissioners extraordinary and plenipotentiary, of the United States, for treating of peace with Great Britain, to the Secretary of State, dated Ghent, August 12, 1814.

SIR,

WE have the honour to inform you that the British commissioners, lord Gambier, Henry Goulbourn, Esq. and William Adams, Esq. arrived in this city on Saturday evening the sixth instant. The day after their arrival, Mr. Baker, their secretary, called upon us to give us notice of the fact, and to propose a meeting, at a certain hour, on the ensuing day. The place having been agreed upon, we accordingly met at one o'clock, on Monday the 8th instant.

We enclose herewith a copy of the full powers exhibited by the British commissioners at that conference; which

was opened on their part by an expression of the sincere and earnest desire of their government, that the negotiation might result in a solid peace, honourable to both parties. They, at the same time, declared, that no events which had occurred since the first proposal for this negotiation, had altered the pacifick disposition of their government, or varied its views, as to the terms upon which it was willing to conclude the peace.

We answered that we heard these declarations with great satisfaction, and that our government had acceded to the proposal of negotiation, with the most sincere desire to put an end to the differences which divided the two countries; and to lay upon just and liberal grounds, the foundation of a peace, which, securing the rights and interests of both nations, should unite them by lasting bonds of amity.

The British commissioners then stated the following subjects, as those upon which it appeared to them that the discussions would be likely to turn, and on which they were instructed.

1. The forcible seizure of mariners on board of merchant vessels, and in connection with it, the claim of his Britannic majesty to the allegiance of all the native subjects of Great Britain.

We understood them to intimate, that the British government did not propose this point, as one which they were particularly desirous of discussing; but that, as it had occupied so prominent a place in the disputes between the two countries, it necessarily attracted notice, and was considered as a subject which would come under discussion.

2. The Indian allies of Great Britain to be included in the pacification, and a definite boundary to be settled for their territory.

The British commissioners stated, that an arrangement upon this point was a *sine qua non*; that they were not authorized to conclude a treaty of peace, which did not embrace the Indians as allies of his Britannic majesty; and that the establishment of a definite boundary of the Indian territory, was necessary to secure a permanent

peace, not only with the Indians, but also between the United States and Great Britain.

3. A revision of the boundary line between the United States, and the adjacent British colonies.

With respect to this point, they expressly disclaimed any intention on the part of their government, to acquire an increase of territory, and represented the proposed revision, as intended merely for the purpose of preventing uncertainty and dispute.

After having stated these three points, as subjects of discussion, the British commissioners added, that, before they desired any answer from us, they felt it incumbent upon them to declare, that the British government did not deny the right of the Americans to the fisheries generally, or in the open seas; but that the privileges formerly granted by treaty to the United States, of fishing within the limits of the British jurisdiction, and of landing and drying fish on the shores of the British territories, would not be renewed without an equivalent.

The extent of what was considered by them as waters peculiarly British, was not stated. From the manner in which they brought this subject into view, they seemed to wish us to understand, that they were not anxious that it should be discussed, and that they only intended to give us notice, that these privileges had ceased to exist, and would not be again granted without an equivalent, nor unless we thought proper to provide expressly in the treaty of peace for their renewal.

The British commissioners having stated, that these were all the subjects which they intended to bring forward, or to suggest, requested to be informed, whether we were instructed to enter into negotiation on these several points? and whether there was any amongst these, which we thought it unnecessary to bring into the negotiation? and they desired us to state, on our part, such other subjects as we might intend to propose for discussion, in the course of the negotiation. The meeting was then adjourned to the next day, in order to afford us the opportunity of a consultation among ourselves, before we gave an answer.

In the course of the evening of the same day, we received your letters of the 25th and 27th of June.

There could be no hesitation on our part, in informing the British commissioners that we were not instructed on the subjects of Indian pacification or boundary, and of fisheries. Nor did it seem probable, although neither of these points had been stated with sufficient precision in that first verbal conference, that they could be admitted in any shape. We did not wish, however, to prejudge the result, or by any hasty proceeding abruptly to break off the negotiation. It was not impossible that, on the subject of the Indians, the British government had received erroneous impressions from the Indian traders in Canada, which our representations might remove; and it appeared, at all events, important to ascertain distinctly the precise intentions of Great Britain on both points. We therefore thought it advisable to invite the British commissioners to a general conversation on all the points; stating to them at the same time, our want of instructions on two of them, and holding out no expectation of the probability of our agreeing to any article respecting these.

At our meeting on the ensuing day, we informed the British commissioners that, upon the first and third points proposed by them, we were provided with instructions; and we presented as further subjects considered by our government as suitable for discussion:

1. A definition of blockade, and as far as might be mutually agreed, of other neutral and belligerent rights;
2. Claims of indemnity in certain cases of capture and seizure.

We then stated that the two subjects, 1st, of Indian pacification and boundary, 2dly, of Fisheries, were not embraced by our instructions. We observed, that as these points had not been, heretofore, the grounds of any controversy between the government of Great Britain and that of the United States, and had not been alluded to by lord Castlereagh, in his letter proposing the negotiation, it could not be expected that they should have been anticipated and made the subject of instructions by our govern-

ment: that it was naturally to be supposed that our instructions were confined to those subjects upon which differences between the two countries were known to exist; and that the proposition to define in a treaty between the United States and Great Britain, the boundary of the Indian possessions within our own territories, was new and without example. No such provision had been inserted in the treaty of peace in 1783, nor in any other treaty between the two countries. No such provision had, to our knowledge, ever been inserted in any treaty made by Great Britain, or any other European power, in relation to the same description of people, existing under like circumstances. We would say, however, that it could not be doubted, that peace with the Indians would certainly follow a peace with Great Britain: that we had information that commissioners had already been appointed to treat with them; that a treaty to that effect might, perhaps, have been already concluded; and that the United States having no interest, nor any motive to continue a separate war against the Indians, there could never be a moment when our government would not be disposed to make peace with them.

We then expressed our wish to receive from the British commissioners, a statement of the views and objects of Great Britain upon all the points, and our willingness to discuss them all, in order that, even if no arrangement could be agreed on, upon the points not included in our instructions, the government of the United States might be possessed of the entire and precise intentions of that of Great Britain, respecting these points, and that the British government might be fully informed of the objections, on the part of the United States, to any such arrangement.

In answer to our remark, that these points had not been alluded to by lord Castlereagh in his letter proposing the negotiation, it was said, that it could not be expected, that in a letter merely intended to invite a negotiation, he should enumerate the topics of discussion, or state the pretensions of his government; since these would depend upon ulterior events, and might arise out of a subsequent state of things.

In reply to our observation, that the proposed stipulation of an Indian boundary was without example in the practice of European nations, it was asserted, that the Indians must in some sort be considered as an independent people, since treaties were made with them, both by Great Britain and by the United States; upon which, we pointed out the obvious and important difference between the treaties we might make with Indians, living in our territory, and such a treaty as was proposed to be made, respecting them, with a foreign power, who had solemnly acknowledged the territory, on which they resided, to be part of the United States.

We were then asked by the British commissioners, whether, in case they should enter further upon the discussion of the several points which had been stated, we could expect that it would terminate by some provisional arrangement on the points on which we had no instructions, particularly on that respecting the Indians, which arrangement would be subject to the ratification of our government?

We answered, that before the subjects were distinctly understood, and the objects in view more precisely disclosed, we could not decide, whether it would be possible to form any satisfactory article on the subject; nor pledge ourselves as to the exercise of a discretion under our powers, even with respect to a provisional agreement. We added, that as we should deeply deplore a rupture of the negotiation on any point, it was our anxious desire to employ all possible means to avert an event so serious in its consequences; and that we had not been without hopes that a discussion might correct the effect of any erroneous information which the British government might have received on the subject which they had proposed as a preliminary basis.

We took this opportunity to remark, that no nation observed a policy more liberal and humane towards the Indians than that pursued by the United States; that our object had been, by all practicable means, to introduce civilization amongst them; that their possessions were

secured to them by well defined boundaries; that their persons, lands, and other property, were now more effectually protected against violence or frauds from any quarter, than they had been under any former government; that even our citizens were not allowed to purchase their land; that when they gave up their title to any portion of their country to the United States, it was by voluntary treaty with our government, who gave them a satisfactory equivalent; and that, through these means, the United States had succeeded in preserving, since the treaty of Greenville, in 1795, an uninterrupted peace of sixteen years with all the Indian tribes—a period of tranquillity much longer than they were known to have enjoyed heretofore.

It was then expressly stated on our part, that the proposition respecting the Indians, was not distinctly understood. We asked whether the pacification and the settlement of a boundary for them were both made a *sine qua non*? which was answered in the affirmative. The question was then asked the British commissioners, whether the proposed Indian boundary was intended to preclude the United States from the right of purchasing by treaty from the Indians, without the consent of Great Britain, lands lying beyond that boundary? and as a restriction upon the Indians from selling, by amicable treaties, lands to the United States, as had been hitherto practised?

To this question, it was first answered by one of the commissioners, that the Indians would not be restricted from selling their lands, but that the United States would be restricted from purchasing them; and, on reflection, another of the commissioners stated that it was intended that the Indian territories should be a barrier between the British dominions and those of the United States; that both Great Britain and the United States should be restricted from purchasing their lands; but that the Indians might sell them to a third party.

The proposition respecting Indian boundary thus explained, and connected with the right of sovereignty

ascribed to the Indians over the country, amounted to nothing less than a demand of the absolute cession of the rights both of sovereignty and of soil. We cannot abstain from remarking to you, that the subject (of Indian boundary) was indistinctly stated when first proposed, and that the explanations were at first obscure and always given with reluctance: And it was declared from the first moment, to be a *sine qua non* rendering any discussion unprofitable, until it was admitted as a basis. Knowing that we had no power to cede to the Indians any part of our territory, we thought it unnecessary to ask, what probably would not have been answered till the principle was admitted, where the line of demarcation of the Indian country was proposed to be established?

The British commissioners, after having repeated that their instructions on the subject of the Indians were peremptory, stated that, unless we could give some assurance that our powers would allow us to make at least a provisional arrangement on the subject, any farther discussion would be fruitless, and that they must consult their own government on this state of things. They proposed accordingly a suspension of the conferences, until they should have received an answer, it being understood that each party might call a meeting whenever they had any proposition to submit. They despatched a special messenger the same evening, and we are now waiting for the result.

Before the proposed adjournment took place, it was agreed that there should be a protocol of the conferences; that a statement should for that purpose be drawn up by each party, and that we should meet the next day to compare the statements. We accordingly met again on Wednesday the 10th instant, and ultimately agreed upon what should constitute the protocol of the conferences. A copy of this instrument we have the honour to transmit with this despatch; and we also enclose a copy of the statement originally drawn up on our part, for the purpose of making known to you, the passages to which the British commissioners objected.

Their objection to some of the passages was, that they

appeared to be argumentative, and that the object of the protocol was to contain a mere statement of facts. They however objected to the insertion of the answer which they had given to our question respecting the effect of the proposed Indian boundary ; but they agreed to an alteration of their original proposition on that subject, which renders it much more explicit than as stated, either in the first conference, or in their proposed draught of the protocol. They also objected to the insertion of the fact that they had proposed to adjourn the conferences, until they could obtain further instructions from their government. The return of their messenger may perhaps disclose the motive of their reluctance in that respect.

We have the honour to be, &c.

(Signed)

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONATHAN RUSSELL.

Draught of original protocol made by the American ministers, of the two first conferences held with the British commissioners.

At a meeting between the commissioners of his Britannic majesty, and those of the United States of America, for negotiating and concluding a peace, held at Ghent, August 8, 1814, the following points were presented by the commissioners, on the part of Great Britain, as subjects for discussion.

1. The forcible seizure of mariners on board of merchant vessels, and the claim of allegiance of his Britannic majesty, upon all the native born subjects of Great Britain.
2. The Indian allies of Great Britain to be included in the pacification, and a boundary to be settled between the dominions of the Indians, and those of the United States. Both parts of this point are considered by the British government as a *sine qua non* to the conclusion of a treaty.
3. The revision of the boundary line between the territories of the United States, and those of Great Britain adjoining them in North America.

4. The fisheries—respecting which, the British government will not allow the people of the United States the privilege of landing and drying fish within the territorial jurisdiction of Great Britain, without an equivalent.

The American commissioners were requested to say, whether their instructions from their government authorized them to treat upon these several points ; and to state, on their part, such other points as they might be further instructed to propose for discussion.

The meeting was adjourned to Tuesday, the 9th of August, on which day the commissioners met again.

The American commissioners, at this meeting, stated, that upon the first and third points proposed by the British commissioners, they were provided with instructions from their government ; and that on the second and fourth of those points, there not having existed, heretofore, any differences between the two governments, they had not been anticipated by the government of the United States, and were therefore not provided for in their instructions. That in relation to an Indian pacification, they knew that the government of the United States had appointed commissioners to treat of peace with the Indians ; and that it was not improbable that peace had been made with them.

The American commissioners presented, as further points (subjects,) considered by the government of the United States, as suitable for discussion.

1. A definition of blockade, and, as far as may be agreed, of other neutral and belligerent rights.

2. Certain claims of indemnity to individuals, for captures and seizures preceding and subsequent to the war.

3. They further stated, that there were various other points to which their instructions extended, which might with propriety be objects of discussion, either in the negotiation of the peace, or in that of a treaty of commerce, which, in the case of a propitious termination of the present conferences, they were likewise authorized to conclude. That for the purpose of facilitating the first and most essential object of peace, they had discarded every subject which was not considered as peculiarly connected

with that ; and presented only those points which appeared to be immediately relevant to this negotiation.

The American commissioners expressed their wish to receive from the British commissioners a statement of the views and objects of Great Britain, upon all the points, and their willingness to discuss them all, in order that, if no arrangement could be agreed to, upon the points not in their instructions, which would come within the scope of the powers committed to their discretion, the government of the United States might be put in possession of the entire and precise intentions of that of Great Britain, with regard to such points ; and that the British government might be fully informed of the objections on the part of the United States to any such arrangement.

They, the American commissioners, were asked, whether, if those of Great Britain should enter further upon the discussion, particularly respecting the Indian boundary, the American commissioners could expect that it would terminate by some provisional arrangement, which they could conclude, subject to the ratification of their government ?

They answered, that as any arrangement to which they could agree upon the subject, must be without specifick authority from their government, it was not possible for them, previous to discussion, to decide, whether an article on the subject could be formed, which would be mutually satisfactory, and to which they should think themselves, under their discretionary powers, justified in acceding.

The British commissioners declined entering upon the discussion, unless the American commissioners would say that they considered it within their discretion to make a provisional arrangement on the subject, conformable to the view of it prescribed by the British government, and proposed to adjourn the conferences, for the purpose of consulting their own government on this state of things.

The British commissioners were asked, whether it was understood, as an effect of the proposed boundary for the Indians, that the United States would be precluded from the right of purchasing territory from the Indians within

that boundary, by amicable treaty with the Indians themselves, without the consent of Great Britain? and whether it was understood to operate as a restriction upon the Indians, from selling, by such amicable treaties, lands to the United States, as has been hitherto practised.

They answered, that it was understood, that the Indian territories should be a barrier between the British possessions and those of the United States; that the United States and Great Britain should both be restricted from such purchases of lands; but that the Indians would not be restricted from selling them to any third party.

The meeting was adjourned to Wednesday, 10th of August. True copy,

C. HUGHES, JR.

Secretary to the Mission Extraordinary.

Protocol of Conference, August 8, 1814.

THE British and American commissioners having met, their full powers were respectively produced, which were found satisfactory, and copies thereof were exchanged.

The British commissioners stated the following subjects, as those upon which, it appeared to them, that the discussions between themselves, and the American commissioners, would be likely to turn.

1. The forcible seizure of mariners from on board merchant ships on the high seas, and in connection with it, the right of the king of Great Britain to the allegiance of all his native subjects.

2. That the peace be extended to the Indian allies of Great Britain, and that the boundary of their territory be definitively marked out, as a permanent barrier between the dominions of Great Britain and the United States. An arrangement on this subject to be a *sine qua non* of a treaty of peace.

3. A revision of the boundary line between the British and American territories, with the view to prevent future uncertainty and dispute.

The British commissioners requested information, whether the American commissioners were instructed to enter

into negotiation on the above points? But before they desired any answer, they felt it right to communicate the intentions of their government, as to the North American fisheries, viz: That the British government did not intend to grant to the United States, gratuitously, the privileges formerly granted by treaty to them, of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the fisheries.

AUGUST 9. THE meeting being adjourned to the 9th of August, the commissioners met again on that day.

The American commissioners at this meeting stated, that upon the first and third points proposed by the British commissioners, they were provided with instructions from their government; and that the second and fourth of these points, were not provided for in their instructions. That in relation to an Indian pacification, they knew that the government of the United States had appointed commissioners to treat of peace with the Indians; and that it was not improbable that peace had been made with them.

The American commissioners presented as farther subjects, considered by the government of the United States, as suitable for discussion:

1. A definition of blockade, and as far as may be agreed, of other neutral and belligerent rights.

2. Certain claims to indemnity for captures and seizures preceding and subsequent to the war.

3. They further stated, that there were various other points, to which their instructions extended, which might with propriety be objects of discussion, either in the negotiation of the peace, or in that of a treaty of commerce; which, in the case of a propitious termination of the present conferences, they were likewise authorized to conclude. That for the purpose of facilitating the first and most essential object of peace, they had discarded every subject which was not considered as peculiarly connected with that, and presented only those points which appeared to be immediately relevant to this negotiation.

The American commissioners expressed their wish to

receive from the British commissioners, a statement of the views and objects of Great Britain upon all the points, and their willingness to discuss them all.

They, the American commissioners, were asked, whether, if those of Great Britain should enter further upon this discussion, particularly respecting the Indian boundary, the American commissioners could expect that it would terminate by some provisional arrangement, which they could conclude, subject to the ratification of their government?

They answered, that as any arrangement to which they could agree upon the subject, must be without specifick authority from their government, it was not possible for them, previous to discussion, to decide whether any article on the subject could be formed which would be mutually satisfactory, and to which they should think themselves, under their discretionary powers, justified in acceding.

The meeting was adjourned.

True copy, (Signed) C. HUGHES, JR.
Secretary of Legation.

*Messrs. Adams, Bayard, Clay, Russell, and Gallatin, to
Mr. Monroe, Secretary of State, Ghent, Aug. 19, 1814.*

SIR,

MR. BAKER, secretary to the British mission, called upon us to-day at one o'clock, and invited us to a conference to be held at three. This was agreed to, and the British commissioners opened it by saying, that they had received their further instructions this morning, and had not lost a moment in requesting a meeting for the purpose of communicating the decision of their government. It is proper to notice that lord Castlereagh had arrived last night in this city, whence, it is said, he will depart to-morrow on his way to Brussels and Vienna.

The British commissioners stated that their government had felt some surprise that we were not instructed respecting the Indians, as it could not have been expected that they would leave their allies, in their comparatively weak situation, exposed to our resentment. Great Britain might

justly have supposed that the American government would have furnished us with instructions authorizing us to agree to a positive article on the subject ; but the least she could demand was, that we should sign a provisional article admitting the principle, subject to the ratification of our government ; so that, if it should be ratified, the treaty should take effect ; and if not, that it should be null and void : on our assent or refusal to admit such an article would depend the continuance or suspension of the negotiation.

As we had represented that the proposition made by them, on that subject, was not sufficiently explicit, their government had directed them to give us every necessary explanation, and to state distinctly the basis which must be considered as an indispensable preliminary.

It was a *sine qua non* that the Indians should be included in the pacification, and, as incident thereto, that the boundaries of their territories should be permanently established. Peace with the Indians was a subject so simple as to require no comment. With respect to the boundary which was to divide their territory from that of the United States, the object of the British government was, that the Indians should remain as a permanent barrier between our western settlements and the adjacent British provinces, to prevent them from being conterminous to each other : and that neither the United States nor Great Britain should ever hereafter have the right to purchase or acquire any part of the territory thus recognised as belonging to the Indians. With regard to the extent of the Indian territory, and the boundary line, the British government would propose the lines of the Greenville treaty, as a proper basis, subject however to discussion and modifications.

We stated, that the Indian territory, according to these lines, would comprehend a great number of American citizens ; not less, perhaps, than a hundred thousand : and asked, what was the intention of the British government respecting them, and under whose government they would fall ? It was answered that those settlements would be taken into consideration when the line became a subject of discussion ; but that such of the inhabitants as would ulti-

mately be included within the Indian territory, must make their own arrangements, and provide for themselves.

The British commissioners here said, that considering the importance of the question we had to decide, (that of agreeing to a provisional article) their government had thought it right, that we should also be fully informed of its views with respect to the proposed revision of the boundary line between the dominions of Great Britain and the United States.

1. Experience had proved that the joint possession of the lakes, and a right, common to both nations, to keep up a naval force on them, necessarily produced collisions, and rendered peace insecure. As Great Britain could not be supposed to expect to make conquests in that quarter, and as that province was essentially weaker than the United States, and exposed to invasion, it was necessary for its security that Great Britain should require that the United States should hereafter keep no armed naval force on the western lakes, from lake Ontario to lake Superior, both inclusive; that they should not erect any fortified or military post or establishment on the shores of those lakes; and that they should not maintain those which were already existing. This must, they said, be considered as a moderate demand, since Great Britain, if she had not disclaimed the intention of any increase of territory, might, with propriety, have asked a cession of the adjacent American shores. The commercial navigation and intercourse would be left on the same footing as heretofore. It was expressly stated (in answer to a question we asked) that Great Britain was to retain the right of having an armed naval force on those lakes, and of holding military posts and establishments on their shores.

2. The boundary line west of lake Superior, and thence to the Mississippi, to be revised, and the treaty-right of Great Britain to the navigation of the Mississippi to be continued. When asked whether they did not mean the line from the Lake of the Woods to the Mississippi? the British commissioners repeated, that they meant the line from lake Superior to that river.

3. A direct communication from Halifax and the province of New Brunswick to Quebec, to be secured to Great Britain. In answer to our question, in what manner this was to be effected? we were told that it must be done by a cession to Great Britain of that portion of the district of Maine (in the state of Massachusetts) which intervenes between New Brunswick and Quebec, and prevents that direct communication.

Reverting to the proposed provisional article, respecting the Indian pacification and boundary, the British commissioners concluded by stating to us, that if the conferences should be suspended by our refusal to agree to such an article, without having obtained further instructions from our government, Great Britain would not consider herself bound to abide by the terms which she now offered, but would be at liberty to vary and regulate her demands, according to subsequent events, and in such manner as the state of the war, at the time of renewing the negotiations, might warrant.

We asked whether the statement made, respecting the proposed revision of the boundary line between the United States and the dominions of Great Britain, embraced all the objects she meant to bring forward for discussion, and what were, particularly, her views with respect to Moose island, and such other islands in the bay of Passamaquoddy as had been in our possession till the present war, but had been lately captured? We were answered, that those islands belonging of right to Great Britain (as much so, one of the commissioners said, as Northamptonshire) they would certainly be kept by her, and were not even supposed to be an object of discussion.

From the forcible manner in which the demand, that the United States should keep no naval armed force on the lakes, nor any military post on their shores, had been brought forward, we were induced to inquire whether this condition was also meant as a *sine qua non*? To this the British commissioners declined giving a positive answer. They said that they had been sufficiently explicit, that they had given us one *sine qua non*, and when we had dis-

posed of that, it would be time enough to give us an answer as to another.

We then stated, that, considering the nature and importance of the communication made this day, we wished the British commissioners to reduce their proposals to writing, before we gave them an answer. This they agreed to, and promised to send us an official note without delay.

We need hardly say, that the demands of Great Britain will receive from us an unanimous and decided negative. We do not deem it necessary to detain the John Adams for the purpose of transmitting to you the official notes which may pass on the subject, and close the negotiation. And we have felt it our duty immediately to apprise you, by this hasty, but correct sketch of our last conference, that there is not, at present, any hope of peace.

We have the honour to be, &c.

(Signed)

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

P. S. August 20th, 1814. We have this moment received the note of the British commissioners, which had been promised to us, bearing date yesterday, a copy of which we have the honour to enclose.

Note of the British Commissioners.

THE undersigned, plenipotentiaries of his Britannic majesty, do themselves the honour of acquainting the plenipotentiaries of the United States, that they have communicated to their court the result of the conference which they had the honour of holding with them upon the 9th instant, in which they stated that they were unprovided with any specifick instructions as to comprehending the Indian nations in a treaty of peace to be made with Great Britain, and as to defining a boundary to the Indian territory.

The undersigned are instructed to acquaint the plenipo-

tentiaries of the United States, that his majesty's government having, at the outset of the negotiation, with a view to a speedy restoration of peace, reduced as far as possible the number of points to be discussed, and having professed themselves willing to forego on some important topics any stipulation to the advantage of Great Britain, cannot but feel some surprise that the government of the United States should not have furnished their plenipotentiaries with instructions upon those points which could hardly fail to come under discussion.

Under the inability of the American plenipotentiaries to conclude any article upon the subject of Indian pacification and Indian boundary, which shall bind the government of the United States, his majesty's government conceive that they cannot give a better proof of their sincere desire for the restoration of peace than by professing their willingness to accept a provisional article upon those heads, in the event of the American plenipotentiaries considering themselves authorized to accede to the general principles upon which such an article ought to be founded. With a view to enable the American plenipotentiaries to decide how far the conclusion of such an article is within the limit of their general discretion, the undersigned are directed to state fully and distinctly the bases upon which alone Great Britain sees any prospect of advantage in the continuance of the negotiations at the present time.

The undersigned have already had the honour of stating to the American plenipotentiaries that in considering the points above referred to as a *sine qua non* of any treaty of peace, the view of the British government is the permanent tranquillity and security of the Indian nations, and the prevention of those jealousies and irritations to which the frequent alteration of the Indian limits has heretofore given rise.

For this purpose it is indispensably necessary that the Indian nations, who have been during the war in alliance with Great Britain, should, at the termination of the war, be included in the pacification.

It is equally necessary that a definite boundary should

be assigned to the Indians, and that the contracting parties should guarantee the integrity of their territory by a mutual stipulation not to acquire by purchase, or otherwise, any territory within the specified limits. The British government are willing to take as the basis of an article on this subject, those stipulations of the treaty of Greenville, subject to modifications, which relate to a boundary line.

As the undersigned are desirous of stating every point in connection with the subject which may reasonably influence the decision of the American plenipotentiaries in the exercise of their discretion, they avail themselves of this opportunity to repeat, what they have already stated, that Great Britain desires the revision of the frontier between her North American dominions, and those of the United States, not with any view to an acquisition of territory as such, but for the purpose of securing her possessions, and preventing future disputes.

The British government consider the lakes, from lake Ontario to lake Superior, both inclusive, to be the natural military frontier of the British possessions in North America. As the weaker power on the North American continent, the least capable of acting offensively, and the most exposed to sudden invasion, Great Britain considers the military occupation of these lakes as necessary to the security of her dominions. A boundary line equally dividing these waters, with a right in each nation to arm, both upon the lakes and upon their shores, is calculated to create a contest for naval ascendancy in peace as well as in war. The power which occupies these lakes should, as a necessary result, have the military occupation of both shores. In furtherance of this object, the British government is prepared to propose a boundary. But as this might be misconstrued as an intention to extend their possessions to the southward of the lakes, (which is by no means the object they have in view) they are disposed to leave the territorial limits undisturbed, and as incident to them, the free commercial navigation of the lakes, provided that the American government will stipulate not to maintain, or construct, any fortifications upon, or within, a limited distance

of the shores, or maintain, or construct, any armed vessel upon the lakes in question, or in the rivers which empty themselves into the same.

If this can be adjusted, there will then remain for discussion the arrangement of the north-western boundary between lake Superior and the Mississippi, the free navigation of that river, and such a variation of the line of frontier as may secure a direct communication between Quebec and Halifax.

The undersigned trust, that the full statement which they have made of the views and objects of the British government in requiring the pacification of the Indian nations, and a permanent limit to their territories, will enable the American plenipotentiaries to conclude a provisional article upon the basis above stated. Should they feel it necessary to refer to the government of the United States for further instructions, the undersigned feel it incumbent upon them to acquaint the American plenipotentiaries, that their government cannot be precluded, by any thing that has passed, from varying the terms at present proposed, in such a manner as the state of the war, at the time of resuming the conferences, may, in their judgment, render advisable.

The undersigned avail themselves of this occasion to renew to the plenipotentiaries of the United States the assurance of their high consideration.

(Signed)

Ghent, Aug. 19, 1814.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. OCTOBER 13, 1814.

I NOW transmit to Congress copies of the instructions to the plenipotentiaries of the United States, charged with negotiating a peace with Great Britain, as referred to in my message of the 10th inst. JAMES MADISON.

INSTRUCTIONS, &c.

Mr. Monroe to the plenipotentiaries of the United States, for treating of peace with Great Britain, dated Department of State, April 15, 1813.

GENTLEMEN,

I HAD the honour, on the — ultimo to receive Mr. Adams two letters, one bearing date the 30th September, and the other on the 17th October last, communicating the overture of the emperour of Russia, to promote peace by his friendly mediation between the United States and Great Britain. On the day following, Mr. Daschkoff, the Russian minister, made a similar communication to this department. The subject has, in consequence, been duly considered: and I have now to make known to you the result.

The President has not hesitated to accept the mediation of Russia, and he indulges a strong hope that it will produce the desired effect. It is not known that Great Britain has acceded to the proposition, but it is presumed that she will not decline it. The President thought it improper to postpone his decision until he should hear of that of the British government. Sincerely desirous of peace, he has been willing to avail himself of every opportunity which might tend to promote it on just and honourable conditions, and in accepting this overture he has been particularly gratified to evince, by the manner of it, the distinguished consideration which the United States entertain for the emperour Alexander. Should the British government accept the mediation, the negotiation to which it leads will be held at St. Petersburg. The President commits it to you, for which a commission is enclosed, and he has appointed Mr. Harris secretary of the mission.

The impressment of our seamen, and illegal blockades, as exemplified more particularly in the orders in council, were the principal causes of the war. Had not Great Britain persevered obstinately in the violation of these important rights, the war would not have been declared. It will cease as soon as these rights are respected. The

proposition made by Mr. Russell to the British government immediately after the war, and the answer given by this department to admiral Warren's letter since, show the ground on which the United States were willing to adjust the controversy relative to impressment.

This has been further evinced by a report of the committee of foreign relations of the house of representatives, and an act of Congress passed in consequence of that report. By these documents you will see that to accommodate this important difference, the United States are disposed to exclude British seamen altogether from the American service. This being effectually done, the British government can have no pretext for the practice. How shall it be done? By restraints to be imposed by each nation on the naturalization of the seamen of the other, excluding at the same time all others not naturalized—Or shall the right of each nation to naturalize the seamen of the other be prohibited, and each exclude from its service the natives of the other? Whatever the rule is it ought to be reciprocal. If Great Britain is allowed to naturalize American seamen, the United States should enjoy the same privilege. If it is demanded that the United States shall exclude from their service all native British subjects, a like exclusion of American citizens from British service ought to be reciprocated. The mode also should be common to both countries. Each should be at liberty to give the same facilities, or be bound to impose the same restraints that the other does. The President is willing to agree to either alternative, and to carry it into effect by the most eligible regulations that can be devised.

If the first alternative is adopted, the extent of the proposed exclusion will depend on the impediments to naturalization, on the efficacy of the regulations to prevent imposition, and the fidelity of their execution. The greater the difficulty in acquiring the right of citizenship, the easier will it be to avoid imposition, and the more complete the desired exclusion. The law of the last session of Congress relative to seamen, proves how sincerely desirous the legislative as well as executive branch of our govern-

ment is, to adjust this controversy on conditions which may be satisfactory to Great Britain. By that law it is made indispensable for every British subject who may hereafter become a citizen, to reside five years without intermission within the United States, and so many guards are imposed to prevent frauds, that it seems to be impossible that they should be eluded. No British subject can be employed in a publick or private ship of the United States, unless he produces to the commander in the one instance, and to the collector in the other, a certified copy of the act by which he became naturalized. A list of the crew, in the case of a private ship, must be taken, certified, and recorded by the collector, and the consuls or commercial agents of Great Britain may object to any seamen, and attend the investigation. The commander of a publick ship receiving a person not duly qualified shall forfeit a thousand dollars, and the commander or owner of a private ship, knowing thereof, five hundred dollars, to be recovered in an action of debt, one half to the informer, and one half to the United States. It is also made penal, punishable as a felony, by imprisonment and labour from three to five years, or by fine from five hundred to one thousand dollars, for any person to forge or counterfeit, or to pass or use any forged or counterfeited certificate of citizenship, or to sell or dispose of one.

It may fairly be presumed, that if this law should be carried into effect, it would exclude all British seamen from our service.

By requiring five years continued residence in the United States, as the condition of citizenship, few if any British seamen would ever take advantage of it. Such as had left Great Britain, and had resided five years in this country, would be likely to abandon the sea for ever. And by making it the duty of the commanders of our publick, and of the collectors, in the case of private ships, to require an authenticated copy from the clerk of the court, before which a British subject, who offered his service, had been naturalized, as indispensable to his admission, and highly penal in either to take a person not duly qualified, and by

allowing also British agents to object to any one offering his service, and to prosecute by suit the commander or collector, as the case might be, for receiving an improper person, it seems to be impossible that such should be received.

If the second alternative is adopted, that is, if all native British subjects are to be hereafter excluded from our service, it is important that the stipulation providing for it should operate so as not to affect those who have been already naturalized. By our law all the rights of natives are given to naturalized citizens. It is contended by some that these complete rights do not extend beyond the limits of the United States; that in naturalizing a foreigner, no state can absolve him from the obligation which he owes to his former government, and that he becomes a citizen in a qualified sense only. This doctrine, if true in any case, is less applicable to the United States than to any other power. Expatriation seems to be a natural right, and by the original character of our institutions, founded by compact, on principle, and particularly by the unqualified investment of the adopted citizen with the full rights of the native, all that the United States could do, to place him on the same footing, has been done. In point of interest, the object is of little importance to either party. The number to be affected by the stipulation is inconsiderable; nor can that be a cause of surprise, when the character of that class of men is considered. It rarely happens that a seaman who settles on a farm, or engages in a trade, and pursues it for any length of time, returns to sea. His youthful days are exhausted in his first occupation. He leaves it with regret, and adopts another, either in consequence of marriage, of disease, or as an asylum for age.

To a stipulation which shall operate prospectively only, the same objection does not apply. In naturalizing foreigners, the United States may prescribe the limit to which their privileges shall extend. If it is made a condition that no native British subject, who may hereafter become a citizen, shall be employed in our publick or private ships, their exclusion will violate no right. Those who might

become citizens afterwards would acquire the right subject to that condition, and would be bound by it. To such a stipulation the President is willing to assent, although he would much prefer the alternative of restraints on naturalization ; and to prevent frauds, and to carry the same fully into effect, you are authorized to apply all the restraints and checks, with the necessary modifications, to suit the case, that are provided in the act above recited, relative to seamen, for the purposes of that act.

In requiring that the stipulation to exclude British seamen from our service, with the regulations for carrying it into effect, be made reciprocal, the President desires that you make a provision, authorizing the United States, if they should be so disposed, to dispense with the obligations imposed by it on American citizens. The liberal spirit of our government and laws, is unfriendly to restraints on our citizens, such at least as are imposed on British subjects, from becoming members of other societies. This has been shown in the law of the last session relative to seamen, to which your particular attention has been already drawn. This provision may likewise be reciprocated if desired.

The President is not particularly solicitous that either of these alternatives (making the proposed reservation in case the latter be,) should be preferred. To secure the United States against impressment he is willing to adopt either. He expects in return, that a clear and distinct provision shall be made against the practice. The precise form in which it may be done is not insisted on, provided the import is explicit. All that is required is, that in consideration of the act to be performed on the part of the United States, the British government shall stipulate in some adequate manner, to terminate or forbear the practice of impressment from American vessels.

It has been suggested as an expedient mode, for the adjustment of this controversy, that British cruisers should have a right to search our vessels for British seamen, but that the commanders thereof should be subjected to penalties, in case they made mistakes, and took from them American citizens. By this the British government would

acquire the right of search for seamen, with that of impressing from our vessels the subjects of all other powers. It will not escape your attention, that by admitting the right, in any case, we give up the principle, and leave the door open to every kind of abuse. The same objection is applicable to any, and every other arrangement, which withholds the respect due to our flag by not allowing it to protect the crew, sailing under it.

If the first alternative should be adopted, it will follow, that none of the British seamen who may be in the United States at the time the treaty takes effect, and who shall not have become citizens, will be admitted into our service, until they acquire that right.

If the second is adopted, the number of native British seamen, who have been naturalized, and will be admissible into our service, will not, it is believed, exceed a few hundred; all others who may be in the United States at the time the treaty takes effect, or who may arrive afterwards, will be excluded.

As a necessary incident to an adjustment on the principle of either alternative, it is expected, that all American seamen who have been impressed, will be discharged, and that those who have been naturalized under the British laws, by compulsive service, will be permitted to withdraw.

I have to repeat, that the great object which you have to secure, in regard to impressment, is, that our flag shall protect the crew; and, providing for this in a satisfactory manner, that you are authorized to secure Great Britain effectually against the employment of her seamen in the service of the United States. This it is believed would be done by the adoption of either of the above alternatives, and the application to that which may be adopted, of the checks contained in the law of the last session, relative to seamen; in aid of which, it will always be in the power of Great Britain to make regulations operating in her own ports, with a view to the same effect. To terminate, however, this controversy, in a manner satisfactory to both parties, the President is willing, should other checks be suggested as likely to be more effectual, consistent with

the spirit of our constitution, that you should adopt them. The strong feature of the first alternative, which authorizes the naturalization of seamen, requires their continued residence in the United States for five years, as indispensable to the attainment of that right. In case this alternative be adopted, the President is willing, for example, to secure a compliance with that condition, to make it the duty of each alien, who may be desirous to become a citizen, to appear in court every year, for the term of five years, until his right shall be completed. This example is given, not as a limitation, but as an illustration of your power, for to the exclusion of British seamen from our service no repugnance is felt. To such exclusion the amicable adjustment of this controversy with Great Britain affords a strong motive, but not the only one. It is a growing sentiment in the United States, that they ought to depend on their own population for the supply of their ships of war, and merchant service. Experience has shown that it is an abundant resource. In expressing this sentiment, you will do it in a manner to inspire, more fully, a confidence, that the arrangement which you may enter into, will be carried faithfully into effect, without derogating, however, from the conciliatory spirit of the accommodation.

A strong desire has heretofore been expressed by the British government, to obtain of the United States an arrangement to prevent the desertion of British seamen, when in our ports, and it cannot be doubted, that a stipulation to that effect would be highly satisfactory, as well as useful to Great Britain. It is fairly to be presumed, that it, alone, would afford to the British government a strong inducement to enter into a satisfactory arrangement of the difference relating to impressment. The claim is not inadmissible, especially as the United States have a reciprocal interest in the restoration of deserters from American vessels in British ports. You may therefore agree to an article, such as hath been heretofore authorized by the United States, which shall make it the duty of each party to deliver them up.

Of the right of the United States to be exempted from the degrading practice of impressment, so much has been already said, and with such ability, that it would be useless, especially to you, who are otherwise so well acquainted with it, to dilate on its merits. I must observe, however, that the practice is utterly repugnant to the law of nations; that it is supported by no treaty with any nation; that it was never acquiesced in by any; and that a submission to it by the United States would be the abandonment, in favour of Great Britain, of all claim to neutral rights and of all other rights on the ocean.

This practice is not founded on any belligerent right. The greatest extent to which the belligerent claim has been carried, over the vessels of neutral nations, is, to board and take from them persons in the land and sea service of an enemy, contraband of war, and enemy's property. All nations agree respecting the two first articles, but there has been, and still exists, a diversity of opinion as to the last. On that and other questions of considerable importance, disputes have arisen which are yet unsettled. The empress Catharine, of Russia, a distinguished advocate of just principles, placed herself, in 1780, at the head of neutral nations, in favour of a liberal construction of their rights; and her successors have generally followed her example. In all the discussions on these topics, we find nothing of the British claim to impressment; no acknowledgment of it in any treaty, or proof of submission to it by any power. If instances have occurred, in which British cruisers have taken British seamen from the vessels of other nations, they were, as it is presumed, in cases either not acquiesced in, or of an extraordinary nature only, affording no countenance to their practice and pretension in relation to the United States. Cases of this kind, if such there be, afford no proof of a systematick claim in the British government to impressment, or of submission to it by other powers. This claim has been set up against the United States only, who have, in consequence thereof, been compelled to discuss its merits.

This claim is in fact traced to another source, the alle-

giance due by British subjects to their sovereign, and his right, by virtue thereof, to their service. This has been distinctly stated in a late declaration by the prince regent. Knowing the nature of the claim, we know also the extent of the right and obligations incident to it. Allegiance is a political relation between a sovereign and his people ; it is the obligation which binds the latter in return for the protection which they receive. These reciprocal duties have the same limit, they are confined to the dominions of the sovereign, beyond which he has no rights, can afford no protection, and can of course claim no allegiance. A citizen or subject of one power, entering the dominions of another, owes allegiance to the latter in return for the protection he receives. Whether a sovereign has a right to claim the service of such of his subjects as have left his own dominions, is a question respecting which also a difference of opinion may exist. It is certain that no sovereign has a right to pursue his subjects into the territories of another, be the motive for it what it may ; such an entry, without the consent of the other power, would be a violation of its territory and an act of hostility. Offenders, even conspirators, cannot be pursued by one power into the territory of another, nor are they delivered up by the latter, except in compliance with treaties or by favour. That the vessels of a nation are considered a part of its territory, with the exception of the belligerent right only, is a principle too well established to be brought into discussion. Each state has exclusive jurisdiction over its own vessels ; its laws govern in them, and offences against those laws are punishable by its tribunals only. The flag of a nation protects every thing sailing under it in time of peace, and in time of war likewise, with the exception of the belligerent rights, growing out of the war. An entry on board the vessels of one power by the cruisers of another, in any other case, and the exercise of any other authority over them, is a violation of right, and an act of hostility.

The British government, aware of the truth of this doctrine, has endeavoured to avoid its consequences in the late declaration of the prince regent.

It has not contended that British cruisers have a right to pursue and search our vessels for British seamen. It asserts only that they have a right to search them for other objects, and being on board for a lawful cause, and finding British seamen there, that they have a right to impress and bring them away under the claim of allegiance. When we see a systematick pursuit of our vessels by British cruisers, and the impressment of seamen from them, not at a port of the enemy where a regular blockade had been instituted, and by the blockading squadron, but in every part of the ocean, on our coast, and even in our harbours, it is difficult to believe that impressment is not the real motive, and the other the pretext for it. But to place this argument of the British government on the strongest ground, let it be admitted that the entry was lawful, is it so to commit an act not warranted by the purpose for which the entry was made? There is a levity in this argument which neither suits the parties nor the subject. The British government founds its right of impressment from our ships on that of allegiance, which is a permanent right, equally applicable to peace and war. The right of impressment, therefore, from the vessels of other powers must likewise be permanent, and equally applicable to peace and war. It would not, however, take this broad ground, lest the injustice and extravagance of the pretension might excite the astonishment and indignation of other powers, to whom it would be equally applicable. To claim it as a belligerent right would have been equally unjust and absurd, as no trace of it could be found in the belligerent code. The British government was, therefore, reduced to a very embarrassing dilemma. To acknowledge that it could not support the claim on either principle, would be to relinquish it, and yet it could rely on neither. It endeavoured to draw some aid from both. A state of war exists which brings the parties together, Great Britain as a belligerent, and the United States as a neutral power. British officers have now a right to board and search American vessels, but for what? Persons in the service of an enemy, contraband of war, or enemy's

property. This would not accomplish the end. It is, however, the utmost limit of the belligerent right. Allegiance, which is an attribute of sovereignty, comes to her aid and communicates all the necessary power ; the national character of the neutral vessel ceases ; the complete right of sovereignty and jurisdiction over it is transferred to Great Britain. It is on this foundation that the British government has raised this monstrous superstructure. It is with this kind of argument that it attempts to justify its practice of impressment from our vessels.

The remark contained in the declaration of the prince regent, that in impressing British seamen from American vessels, Great Britain exercised no right which she was not willing to acknowledge as appertaining equally to the government of the United States, with respect to American seamen in British merchant ships, proves only, that the British government is conscious of the injustice of the claim, and desirous of giving to it such aid as may be derived from a plausible argument. The semblance of equality, however, in this proposition, which strikes at first view, disappears on a fair examination. It is unfair, first, because it is impossible for the United States to take advantage of it. Impressment is not an American practice, but utterly repugnant to our constitution and laws. In offering to reciprocate it, nothing was offered, as the British government well knew. It is unfair, secondly, because if impressment was allowable, a reciprocation of the practice would be no equivalent to the United States. The exercise of a right in common, at sea, by two nations, each over the vessels of the other, the one powerful and the other comparatively weak, would be, to put the latter completely at the mercy of the former. Great Britain, with her vast navy, would soon be the only party which made impressment. The United States would be compelled to abstain from it, and either submit to the British rule, with all the abuses incident to power, or to resist it. But should the United States be permitted to make impressment from British vessels, the effect would be unequal. Great Britain has, perhaps, thirty ships of war at

sea, to one of the United States, and would profit of the arrangement in that proportion. Besides, impressment is a practice incident to war, in which view, likewise, the inequality is not less glaring, she being at least thirty years at war, to one of the United States. Other considerations prove that the British government made this acknowledgment merely as a pretext to justify its practice of impressment, without intending that the right of practice should ever be reciprocated. What would be the effect of its adoption by American ships of war with British merchant vessels? An American officer boards a British merchant vessel, and claims, as American citizens, whom he pleases. How many British seamen would disclaim a title which would take them to the United States, and secure them there all the advantages of citizenship? The rule of evidence, as the ground of impressment in every instance, must likewise be reciprocated between the two governments. The acknowledgment of the men would surely be a better proof of their national character than the decision of a British officer who boarded an American vessel, however impartial he might be and strong his power of discrimination, when opposed by the voluntary and solemn declaration of the party. In this way we might draw from the British service the greater part, if not all their samen. I might further ask, why was this acknowledgment made at this late period, for the first time only, after the declaration of war, and when on that account it could produce no effect? In the various discussions of this subject, in many of which it has been demanded whether the British government would tolerate such a practice from American ships of war, no such intimation was ever given.

If Great Britain had found the employment of her seamen in our service injurious to her, and been disposed to respect our rights, the regular course of proceeding would have been for her government to have complained to the government of the United States of the injury, and to have proposed a remedy. Had this been done, and no reasonable remedy been adopted, sound in principle and reciprocal in its operation, the British government might have had some cause of complaint, and some plea for taking the

remedy into its own hands. Such a procedure would, at least, have given to its claim of impressment the greatest plausibility. We know that such complaint was never made, except in defence of the practice of impressment, and that in the mean time the practice has gone on, and grown into an usage, which, with all its abuses, had resistance been longer delayed, might have become a law. The origin and progress of this usurpation afford strong illustrations of the British policy. The practice and the claim began together, soon after the close of our revolutionary war, and were applicable to deserters only. They extended next to all British seamen;—then to all British subjects, including, as in the case of emigrants from Ireland, persons who would not have been subject to impressment in British ports, not being seafaring men;—and, finally, to Swedes, Danes, and others, known to be not British subjects, and by their protections appearing to be naturalized citizens of the United States.

Other views may be taken of the subject, to show the unlawfulness and absurdity of the British claim. If British cruisers have a right to take British seamen from our vessels, without regarding the abuses inseparable from the practice, they may take from them, on the same principle, and with much greater reason, every species of property to which the British government has any kind of claim. Allegiance cannot give to a sovereign a better right to take his subjects than ownership to take his property. There would be no limit to this pretension or its consequences. All property forfeited by exportation, contrary to the laws of Great Britain, every article to which her sovereignty, jurisdiction, or ownership would extend, in British vessels, would be liable to seizure in those of the United States. The laws of England would be executory in them. Instead of being a part of the American, they would become a part of the British territory.

It might naturally be expected that Great Britain would have given, by her conduct, some support to her pretensions; that if she had not disclaimed altogether the principle of naturalization, she would at least have excluded

from her service foreign seamen. Her conduct, however, has been altogether at variance with her precepts. She has given great facility to naturalization, in all instances where it could advance her interest, and peculiar encouragement to that of foreign seamen. She naturalizes by special act of parliament. She naturalizes all persons who reside a certain term of years in British colonies; all those who are born of British subjects, in foreign dominions; and all seamen who have served a certain short term in the British service; and would doubtless protect all such as British subjects, if required by them so to do. Her governors of neighbouring provinces are at this time compelling emigrants thither from the United States, to bear arms against the United States.

The mediation offered by Russia, presents to Great Britain, as well as to the United States, a fair opportunity of accommodating this controversy with honour. The interposition of so distinguished a power, friendly to both parties, could not be declined by either on just ground, especially by Great Britain, between whom and Russia there exists, at this time, a very interesting relation. When the British ministers are made acquainted at St. Petersburg with the conditions on which you are authorized to adjust this difference, it seems as if it would be impossible for Great Britain to decline them. Should she do it, still adhering to her former pretensions, her motive could not be misunderstood. The cause of the United States would thenceforward become the common cause of nations. A concession by them would operate to the disadvantage of every other power. They would all find, in the conduct of Great Britain, an unequivocal determination to destroy the rights of other flags, and to usurp the absolute dominion of the ocean. It is to be presumed that the British government will find it neither for the honour or interest of Great Britain to push things to that extremity, but will have accepted this mediation, and have sent a minister or ministers to St. Petersburg, with full powers to adjust the controversy on fair and just conditions.

Should improper impressions have been taken of the

probable consequences of the war, you will have ample means to remove them. It is certain, that from its prosecution, Great Britain can promise to herself no advantage, while she exposes herself to great expenses, and to the danger of still greater losses. The people of the United States, accustomed to the indulgence of a long peace, roused by the causes and the progress of the war, are rapidly acquiring military habits, and becoming a military people. Our knowledge in naval tactics has increased, as has our maritime strength. The gallantry and success of our little navy, have formed an epoch in naval history. The laurels which these brave men have gained, not for themselves alone, but for their country, from an enemy pre-eminent in naval exploits for ages past, are among the proudest boasts of their grateful and affectionate fellow citizens. Our manufactures have taken an astonishing growth. In short, in every circumstance in which the war is felt, its pressure tends evidently to unite our people, to draw out our resources, to invigorate our means, and to make us more truly an independent nation, and, as far as may be necessary, a great maritime power.

If the British government accepts the mediation of Russia, with a sincere desire to restore a good intelligence between the two countries, it may be presumed that a fair opportunity will be afforded for the arrangement of many other important interests, with advantage to both parties. The adjustment of the controversy relating to impressment only, though very important, would leave much unfinished. Almost every neutral right has been violated, and its violation persisted in to the moment that war was declared. The President sincerely desires, and it is doubtless for the interest of Great Britain, to prevent the like in future. The interposition of the emperor of Russia to promote an accommodation of these differences, is deemed particularly auspicious.

A strong hope is therefore entertained, that full powers will be given to the British commissioners to arrange all these grounds of controversy in a satisfactory manner. In entering on this interesting part of your duty, the first object

which will claim your attention, is that of blockade. The violation of our neutral rights, by illegal blockades, carried to an enormous extent by orders in council, was a principal cause of the war. These orders, however, and with them the blockade of May, 1806, and, as is understood, all other illegal blockades, have been repealed, so that that cause of war has been removed. All that is now expected is, that the British government will unite in a more precise definition of blockade, and in this no difficulty is anticipated; for, having declared that no blockade would be legal which was not supported by an adequate force, and that the blockades which it might institute should be supported by an adequate force, there appears to be, according to the just interpretation of these terms, no difference of opinion on the subject.

The British government has recently, in two formal acts, given definitions of blockade, either of which would be satisfactory. The first is to be seen in a communication from Mr. Merry to this department, bearing date on the 12th of April, 1804. The following are the circumstances attending it. Commodore Hood, the commander of a British squadron in the West Indies, in 1803, having declared the islands of Martinique and Guadaloupe in a state of blockade, without applying an adequate force to maintain it, the secretary of state remonstrated against the illegality of the measure, which remonstrance was laid before the lords commissioners of the admiralty in England, who replied, "that they had sent orders not to consider any blockade of those islands as existing, unless in respect of particular ports, which might be actually invested, and then not to capture vessels, bound to such ports, unless they shall previously have been warned not to enter them." The second definition is to be found in a convention between Great Britain and Russia, in June, 1801, 4th sec. 3d art. which declares, "that in order to determine what characterizes a blockaded port, that denomination is given only to a port where there is, by the disposition of the power which attacks it, with ships stationary or sufficiently near, an evident danger in entering." The President is willing for

you to adopt either of these definitions, but prefers the first, as much more precise and determinate; and when it is considered that it was made the criterion by so formal an act, between the two governments, it cannot be presumed, that the British government will object to the renewal of it. Nothing is more natural after the differences which have taken place between the two countries, on this and other subjects, and the departure from this criterion by Great Britain, for reasons which are admitted by her no longer to exist, than that they should, on the restoration of a good understanding, recur to it again. Such a recurrence would be the more satisfactory to the President, as it would afford a proof of a disposition in the British government, not simply to compromise a difference, but to re-establish sincere friendship between the two nations.

An interference with our commerce between enemy colonies and their parent country, was among the first violations of our neutral rights committed by Great Britain in the present war with France. It took place in 1805, did extensive injury, and produced universal excitement. In securing us against a repetition of it, you will attend to an article of the convention between Russia and Great Britain, entered into on the —— day of ——, 1801; to the 11th article of the project of a treaty with Great Britain that was signed by Mr. Monroe and Mr. Pinkney, on the 31st of December 1806; and to the instructions from this department relating to that article, of the 20th May, 1807. The capture by Great Britain, of almost all the islands of her enemies, diminishes the importance of any regulation of this subject; but as they may be restored by a treaty of peace, it merits particular attention: It being understood, however, that unless such a trade can be obtained in a proper extent, and without a relinquishment of the principle contended for by the United States, it will be best that the treaty be silent on the subject.

A disposition has been shown by the British government to extend this principle so far as to inhibit a trade to neutrals even between a power at peace with Great Britain and her enemy, as, for example, between China and France.

The absurdity of this pretension may prevent its being hereafter advanced. It will not, however, be unworthy of your attention.

By an order of the British government in 1803, British cruisers were authorized to take neutral vessels laden with innocent articles, on their return from an enemy's port, on the pretence that they had carried to such port contraband of war. This order is directly repugnant to the law of nations, as the circumstance of having contraband articles on board bound to an enemy's port, is the only legal ground of seizure. The claim was relinquished by the British government in the 9th article of the project above recited; you will endeavour in like manner to provide against it. It is the practice of British cruisers to compel the commanders of neutral vessels which they meet at sea, either to board them in person with their papers, or to send their papers on board in their own boats by an officer. The injustice and irregularity of this procedure need not be mentioned. You will endeavour to suppress it in the manner proposed in the third article of a project communicated to Mr. Monroe at London in his instructions of the 5th January, 1804. You will endeavour likewise to restrict contraband of war, as much as in your power, to the list contained in the 4th article of that project.

The pretension of Great Britain to interdict the passage of neutral vessels with their cargoes from one port to another port of an enemy, is illegal and very injurious to the commerce of neutral powers. Still more unjustifiable is the attempt to interdict their passage from a port of one independent nation to that of another, on the pretence that they are both enemies. You will endeavour to obtain, in both instances, a security for the neutral right.

Upon the whole subject I have to observe, that your first duty will be to conclude a peace with Great Britain, and that you are authorized to do it, in case you obtain a satisfactory stipulation against impressment, one which shall secure, under our flag, protection to the crew. The manner in which it may be done has been already stated, with the reciprocal stipulations which you may enter into,

to secure Great Britain against the injury of which she complains. If this encroachment of Great Britain is not provided against, the United States have appealed to arms in vain. If your efforts to accomplish it should fail, all further negotiations will cease, and you will return home without delay. It is possible that some difficulty may occur, in arranging this article respecting its duration. To obviate this the President is willing that it be limited to the present war in Europe. Resting, as the United States do, on the solid ground of right, it is not presumable that Great Britain, especially after the advantage she may derive from the arrangement proposed, would ever revive her pretension. In forming any stipulation on this subject, you will be careful not to impair by it the right of the United States, or to sanction the principle of the British claim.

It is deemed highly important, also, to obtain a definition of the neutral rights which I have brought to your view, especially of blockade, and in the manner suggested, but it is not to be made an indispensable condition of peace.

After the repeal of the orders in council, and other illegal blockades, and the explanations attending it, it is not presumable that Great Britain will revive them. Should she do it, the United States will always have a corresponding resort in their own hands. You will observe in every case, in which you may not be able to obtain a satisfactory definition of the neutral right, that you enter into none respecting it.

Indemnity for losses seems to be a fair claim on the part of the United States, and the British government, if desirous to strengthen the relations of friendship, may be willing to make it. In bringing the claim into view, you will not let it defeat the primary objects entrusted to you. It is not perceived on what ground Great Britain can resist this claim, at least in the cases in favour of which she stands pledged. Of these a note will be added.

You are at liberty to stipulate in the proposed treaty, the same advantages in the ports of the United States, in favour of British ships of war, that may be allowed to

those of the most favoured nations. This stipulation must be reciprocal.

No difficulty can arise from the case of the non-importation act, which will doubtless be terminated in consequence of a pacification. Should any stipulation to that effect be required, or found advantageous, you are at liberty to enter into it. Should peace be made, you may, in fixing the periods at which it shall take effect, in different latitudes and distances, take, for the basis, the provisional articles of the treaty of peace with Great Britain, in 1782, with such alterations as may appear to be just and reasonable.

In discharging the duties of the trust committed to you, the President desires that you will manifest the highest degree of respect for the emperour of Russia, and confidence in the integrity and impartiality of his views. In arranging the question of impressment, and every question of neutral right, you will explain to his government, without reserve, the claims of the United States, with the ground on which they severally rest. It is not doubted that from a conduct so frank and honourable, the most beneficial effect will result.

I shall conclude by remarking, that a strong hope is entertained, that this friendly mediation of the emperour Alexander, will form an epoch in the relations between the United States and Russia, which will be extensively felt, and be long and eminently distinguished by the happy consequences attending it. Since 1780, Russia has been the pivot on which all questions of neutral right have essentially turned. Most of the wars which have disturbed the world in modern times, have originated with Great Britain and France. These wars have affected distant countries, especially in their character as neutrals, and very materially the United States, who took no part in promoting them, and had no interest in the great objects of either power. I have the honour to be, &c. &c.

(Signed)

JAMES MONROE.

Extract of a Letter from the Secretary of State to the Commissioners of the United States for Treating of Peace with Great Britain, dated Department of State, June 23, 1813.

“AN opportunity offering, I avail myself of it to explain more fully the views of the President on certain subjects already treated on in your instructions, and to communicate his sentiments on some others, not adverted to in them.

“The British government having repealed the orders in council and the blockade of May, 1806, and all other illegal blockades, and having declared that it would institute no blockade which should not be supported by an adequate force, it was thought better to leave that question on that ground, than to continue the war to obtain a more precise definition of blockade, after the other essential cause of the war, that of impressment, should be removed. But when it is considered that a stipulated definition of blockade will cost Great Britain nothing after having thus recognised the principle, and that such definition is calculated to give additional confidence, in the future security of our commerce, it is expected that she will agree to it. It is true, this cause of war being removed, the United States are under no obligation to continue it, for the want of such stipulated definition, more especially as they retain in their hands the remedy against any new violation of their rights, whenever made. The same remark is applicable to the case of impressment, for if the British government had issued orders to its cruisers not to impress seamen from our vessels, and notified the same to this government, that cause of war would also have been removed. In making peace it is better for both nations, that the controversy respecting the blockade, should be arranged by treaty, as well as that respecting impressment. The omission to arrange it may be productive of injury. Without a precise definition of blockade, improper pretensions might be set up on each side, respecting their rights, which might possibly hazard the future good understanding between the two countries.

“Should a restitution of territory be agreed on, it will be proper for you to make a provision for settling the boundary between the United States and Great Britain on the St. Lawrence and the lakes, from the point at which the line between them strikes the St. Lawrence, to the northwestern corner of the Lake of the Woods, according to the principles of the treaty of peace. The settlement of this boundary is important, from the circumstance that there are several islands in the river and lakes, of some extent and great value, the dominion over which is claimed by both parties. It may be an advisable course to appoint commissioners on each side, with full powers to adjust, on fair and equitable considerations, this boundary. To enable you to adopt a suitable provision for the purpose, it will be proper for you to recur to the instructions heretofore given on the subject, published in the documents in your possession.”

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at St. Petersburg. Department of State, January 1, 1814.

GENTLEMEN,

I HAVE not received a letter from you since your appointment to meet ministers from Great Britain, at St. Petersburg, to negotiate a treaty of peace, under the mediation of the emperor of Russia. This is doubtless owing to the miscarriage of your despatches.

The message of the President, of which I have the honour to transmit to you a copy, will make you acquainted with the progress of the war with Great Britain, to that period, and the other documents which are forwarded, will communicate what has since occurred.

Among the advantages attending our success in Upper Canada, was the important one of making capture of general Proctor's baggage, with all the publick documents belonging to the British government in his possession. It is probable that these documents will be laid before Congress, as they are of a nature highly interesting to the publick. You will understand their true character by extracts of

two letters from governour Cass, which are enclosed to you. By these it appears that the British government has exercised its influence over the Indian tribes within our limits, as well as elsewhere, in peace, for hostile purposes towards the United States; and that the Indian barbarities, since the war, were, in many instances, known to, and sanctioned by, the British government.

I have the honour to be, &c. &c. &c.

(Signed)

JAMES MONROE.

Mr. Monroe, Secretary of State, to the plenipotentiaries of the United States, at St. Petersburg. Department of State, January 8, 1814.

GENTLEMEN,

I HAVE the honour to transmit to you a copy of a letter from lord Castlereagh to this department, and of a note from lord Cathcart to the Russian government, with my reply to the communication.

The arrangement of a negotiation to be held at Gottenburg, directly between the United States and Great Britain, without the aid of the Russian mediation, makes it necessary that new commissions should be issued correspondent with it, and for this purpose that a new nomination should be made to the senate. The President instructs me to inform you, that you will both be included in it, and that he wishes you to repair, immediately on the receipt of this, to the appointed rendezvous. It is probable that the business may not be limited to yourselves on account of the great interests involved in the result. The commissions and instructions will be duly forwarded to you, as soon as the arrangements shall be finally made.

In taking leave of the Russian government, you will be careful to make known to it the sensibility of the President to the friendly disposition of the emperour, manifested by the offer of his mediation; the regret felt at its rejection by the British government; and a desire that, in future, the greatest confidence and cordiality, and the best understanding may prevail between the two governments.

I have the honour to be, &c. &c. &c.

(Signed)

JAMES MONROE.

Mr. Monroe, Secretary of State, to the American plenipotentiaries at Gottenburg. Department of State, January 28, 1814.

GENTLEMEN,

THE British government having declined the Russian mediation, and proposed to treat directly with the United States, the President has, on due consideration, thought proper to accept the overture. To give effect to this arrangement, it was necessary that a new commission should be formed, and for that purpose that a new nomination should be made to the senate, by whose advice and consent this important trust is committed to you.

You will consider the instructions given to the commission to treat under the mediation of Russia, as applicable to the negotiation with which you are now charged, except as they may be modified by this letter.

I shall call your attention to the most important grounds of the controversy with Great Britain only, and make such remarks on each, and on the whole subject, as have occurred since the date of the former instructions, and are deemed applicable to the present juncture, taking into view the negotiation in which you are about to engage.

On impressment, as to the right of the United States to be exempted from it, I have nothing new to add. The sentiments of the President have undergone no change on that important subject. This degrading practice must cease; our flag must protect the crew, or the United States cannot consider themselves an independent nation. To settle this difference amicably, the President is willing, as you are already informed by the former instructions, to remove all pretexts for it, to the British government, by excluding all British seamen from our vessels, and even to extend the exclusion to all British subjects, if necessary, excepting only the few already naturalized, and to stipulate likewise, the surrender of all British seamen deserting in our ports in future from British vessels, publick or private. It was presumed by all dispassionate persons, that the late law of Congress relative to seamen would effectually accomplish

the object. But the President is willing, as you find, to prevent a possibility of failure, to go further.

Should a treaty be made, it is proper, and would have a conciliatory effect, that all our impressed seamen who may be discharged under it, should be paid for their services by the British government, for the time of their detention, the wages which they might have obtained in the merchant service of their own country.

Blockade is the subject next in point of importance, which you will have to arrange. In the instructions bearing date on the 15th of April, 1813, it was remarked, that as the British government had revoked its orders in council, and agreed that no blockade could be legal which was not supported by an adequate force, and that such adequate force should be applied to any blockade which it might thereafter institute, this cause of controversy seemed to be removed. Further reflection, however, has added great force to the expediency and importance of a precise definition of the publick law on this subject. There is much cause to presume, that if the repeal of the orders in council had taken place in time to have been known here before the declaration of war, and had had the effect of preventing the declaration, not only that no provision would have been obtained against impressment, but that under the name of blockade, the same extent of coast would have been covered by proclamation as had been covered by the orders in council. The war, which these abuses and impressment contributed so much to produce, might possibly prevent that consequence. But it would be more satisfactory, if not more safe, to guard against it by a formal definition in the treaty. It is true, should the British government violate again the legitimate principles of blockade, in whatever terms, or under whatever pretext it might be done, the United States would have in their hands a correspondent resort; but a principal object in making peace is to prevent, by the justice and reciprocity of the conditions, a recurrence again to war, for the same cause. If the British government sincerely wishes to make a durable peace with the United States, it can have no reasonable

objection to a just definition of blockade, especially as the two governments have agreed in their correspondence, in all its essential features. The instructions of the 15th of April, 1813, have stated in what manner the President is willing to arrange this difference.

On the other neutral rights, enumerated in the former instructions, I shall remark only, that the catalogue is limited in a manner to evince a spirit of accommodation; that the arrangement proposed in each instance is just in itself; that it corresponds with the general spirit of treaties between commercial powers, and that Great Britain has sanctioned it in many treaties, and gone beyond it in some.

On the claim to indemnity for spoliations, I have only to refer you to what was said in the former instructions. I have to add, that should a treaty be formed, it is just in itself, and would have a happy effect on the future relations of the two countries, if indemnity should be stipulated on each side, for the destruction of all unfortified towns, and other private property, contrary to the laws and usages of war. It is equally proper that the negroes taken from the southern states, should be returned to their owners, or paid for at their full value. It is known that a shameful traffick has been carried on in the West Indies, by the sale of these persons there, by those who professed to be their deliverers. Of this fact, the proof which has reached this department shall be furnished you. If these slaves are considered as non-combatants, they ought to be restored: if, as property, they ought to be paid for. The treaty of peace contains an article, which recognises this principle.

In the view which I have taken of the conditions on which you are to insist, in the proposed negotiations, you will find, on a comparison of them with those stated in the former instructions, that there is no material difference between them, the two last mentioned claims to indemnity excepted, which have originated since the date of those instructions. The principal object of this review has been to show, that the sentiments of the President, are the same in every instance, and that the reasons for maintaining

them have become more evident and strong since the date of those instructions.

In accepting the overture of the British government to treat independently of the Russian mediation, the United States have acted on principles which governed them in every transaction relating to peace since the war. Had the British government accepted the Russian mediation, the United States would have treated for themselves, independently of any other power, and had Great Britain met them on just conditions, peace would have been the immediate result. Had she refused to accede to such conditions, and attempted to dictate others, a knowledge of the views of other powers on those points might have been useful to the United States. In agreeing to treat directly with Great Britain, not only is no concession contemplated, on any point in controversy, but the same desire is cherished to preserve a good understanding with Russia, and the other Baltic powers, as if the negotiation had taken place under the mediation of Russia.

It is probable that the British government may have declined the Russian mediation, from the apprehension of an understanding between the United States and Russia, for very different purposes from those which have been contemplated, in the hope that a much better treaty might be obtained of the United States, in a direct negotiation, than could be obtained under the Russian mediation, and with a view to profit, of the concessions which might thus be made by the United States, in future negotiations with the Baltic powers. If this was the object of the British government, and it is not easy to conceive any other, it clearly proves the advantage to be derived in the proposed negotiation, from the aid of those powers, in securing from the British government, such conditions as would be satisfactory to all parties. It would be highly honourable as well as advantageous to the United States, if the negotiation with which you are charged, should terminate in such a treaty.

I have the honour to be, &c. &c.

(Signed)

JAMES MONROE.

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at Gottenburg. Department of State, Jan. 30, 1814.

GENTLEMEN,

IN addition to the claims to indemnity, stated in your preceding instructions, I have to request your attention to the following, to which it is presumed there can be no objection.

On the declaration of war by the United States, there happened to be, in the ordinary course of commerce, several American vessels and cargoes in the ports of Great Britain, which were seized and condemned; and, in one instance, an American ship which fled from Algiers, in consequence of the declaration of war by the Dey, to Gibraltar, with the American consul and some publick stores on board, shared a like fate.

After the declaration of war, Congress passed an act, allowing to British subjects six months, from the date of the declaration, to remove their property out of the United States, in consequence of which many vessels were removed with their cargoes. I add, with confidence, that, on a liberal construction of the spirit of the law, some vessels were permitted to depart, even after the expiration of the term specified in the law. I will endeavour to put in your possession a list of these cases. A general reciprocal provision, however, will be best adapted to the object in view. I have the honour to be, &c. &c. &c.

(Signed)

JAMES MONROE.

From the Secretary of State, to the commissioners of the United States, for treating with Great Britain, dated Department of State, Feb. 10, 1814.

GENTLEMEN,

SHOULD you conclude a treaty and not obtain a satisfactory arrangement of neutral rights, it will be proper for you to provide that the United States shall have advantage of any stipulations more favourable to neutral nations, that may be established between Great Britain and other

powers. A precedent for such a provision is found in a declaratory article between Great Britain and Russia, bearing date on the 8th October, 1801, explanatory of the 2d section, 3d article, of a convention concluded between them on the 5th of June of the same year.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

Extract of a Letter from the Secretary of State, to the commissioners of the United States for treating with Great Britain, dated Department of State, Feb. 14, 1814.

“ I RECEIVED last night your letter of the 15th October, with extracts of letters from Mr. Adams and Mr. Harris, of the 22d and 23d of November.

“ It appears that you had no knowledge at the date, even of the last letter, of the answer of the British government, to the offer which had been made to it, a second time, of the Russian mediation. Hence it is to be inferred that the proposition made to this government by the Bramble was made not only without your knowledge, but without the sanction, if not without the knowledge, of the emperor. Intelligence from other sources, strengthens this inference. If this view of the conduct of the British government is well founded, the motive for it cannot be mistaken. It may fairly be presumed that it was to prevent a good understanding and concert between the United States and Russia and Sweden, on the subject of neutral rights, in the hope that by drawing the negotiation to England, and depriving you of an opportunity of a free communication with those powers, a treaty less favourable to the United States might be obtained, which might afterwards be used with advantage by Great Britain in her negotiations with those powers.

By an article in the former instructions, you were authorized in making a treaty to prevent impressment from our vessels, to stipulate, provided a certain specified term could not be agreed on, that it might continue in force for the present war in Europe only. At that time it seemed

probable that the war might last many years. Recent appearances, however, indicate the contrary. Should peace be made in Europe, as the practical evil of which we complain in regard to impressment would cease, it is presumed that the British government would have less objection to a stipulation to forbear that practice for a specified term, than it would have, should the war continue. In concluding a peace with Great Britain, even in case of a previous general peace in Europe, it is important to the United States to obtain such a stipulation."

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at Gottenburg. Department of State, March 21, 1814.

GENTLEMEN,

By the cartel Chauncey you will receive this, with duplicates of the commission to treat with Great Britain; and of the instructions and other documents that were forwarded by the John Adams. This vessel is sent to guard against any accident that might attend the other.

If a satisfactory arrangement can be concluded with Great Britain, the sooner it is accomplished the happier for both countries. If such an arrangement cannot be obtained, it is important for the United States to be acquainted with it without delay. I hope, therefore, to receive from you an account of the state of the negotiation and its prospects, as soon as you may be able to communicate any thing of an interesting nature respecting them.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

Mr. Monroe to the Envoys Extraordinary and Ministers Plenipotentiary of the United States. Department of State, June 25, 1814.

GENTLEMEN,

No communication has been received from the joint mission which was appointed to meet the commissioners of the British government, at Gottenburg. A letter from

Mr. Bayard, at Amsterdam, of the 18th of March, was the last from either of our commissioners. It was inferred, from that letter, and other communications, that Mr. Bayard, Mr. Gallatin, and Mr. Adams, would be in Gottenburg,—and it has been understood, from other sources, that Mr. Clay and Mr. Russell had arrived there about the 15th of April. It is therefore expected, that a meeting will have taken place in May, and that we shall soon be made acquainted with your sentiments of the probable result of the negotiation.

It is impossible, with the lights which have reached us, to ascertain the present disposition of the British government towards an accommodation with the United States. We think it probable that the late events in France may have had a tendency to increase its pretensions.

At war with Great Britain, and injured by France, the United States have sustained the attitude founded on those relations. No reliance was placed on the good offices of France, in bringing the war with Great Britain to a satisfactory conclusion. Looking steadily to an honourable peace, and the ultimate attainment of justice from both powers, the President has endeavoured, by a consistent and honourable policy, to take advantage of every circumstance that might promote that result. He, nevertheless, knew that France held a place in the political system of Europe and of the world, which, as a check on England, could not fail to be useful to us. What effect the late events may have had, in these respects, is the important circumstance of which you are doubtless better informed than we can be.

The President accepted the mediation of Russia, from a respect for the character of the emperor, and a belief that our cause, in all the points in controversy, would gain strength by being made known to him. On the same principle, he preferred (in accepting the British overture, to treat independently of the Russian mediation) to open the negotiation on the continent, rather than at London.

It was inferred from the general policy of Russia, and the friendly sentiments and interposition of the emperor,

that a respect for both would have much influence, with the British cabinet, in promoting a pacifick policy towards us. The manner, however, in which it is understood that a general pacification is taking place; the influence Great Britain may have in modifying the arrangements involved in it; the resources she may be able to employ exclusively against the United States; and the uncertainty of the precise course which Russia may pursue in relation to the war between the United States and Great Britain, naturally claim attention, and raise the important question, in reference to the subject of impressment, on which it is presumed your negotiations will essentially turn, whether your powers ought not to be enlarged, so as to enable you to give to those circumstances all the weight to which they may be entitled. On full consideration, it has been decided, that in case no stipulation can be obtained from the British government at this moment, when its pretensions may have been much heightened by recent events, and the state of Europe be most favourable to them, either relinquishing the claim to impress from American vessels, or discontinuing the practice, even in consideration of the proposed exclusion from them of British seamen, you may concur in an article, stipulating, that the subject of impressment, together with that of commerce between the two countries, be referred to a separate negotiation, to be undertaken without delay, at such place as you may be able to agree on, preferring this city, if to be obtained. I annex, at the close of this letter, a project of an article, expressing, more distinctly, the idea which it is intended to communicate, not meaning thereby to restrain you in any respect as to the form. Commerce and seamen, the objects of impressment, may, with great propriety, be arranged in the same instrument. By stipulating that commissioners shall forthwith be appointed for the purpose, and that all rights on this subject shall, in the mean time, be reserved, the faith of the British government will be pledged to a fair experiment, in an amicable mode, and the honour and rights of the United States secured. The United States having resisted, by war, the practice of

impressment, and continued the war until that practice had ceased, by a peace in Europe, their object has been essentially obtained for the present. It may reasonably be expected, that the arrangement contemplated and provided for, will take effect before a new war in Europe shall furnish an occasion for reviving the practice. Should this arrangement, however, fail, and the practice be again revived, the United States will be again at liberty to repel it by war; and that they will do so can not be doubted: for after the proof which they have already given of a firm resistance, in that mode, persevered in until the practice had ceased, under circumstances the most unfavourable, it cannot be presumed, that the practice will ever be tolerated again. Certain it is, that every day will render it more ineligible in Great Britain to make the attempt.

In contemplating the appointment of commissioners, to be made after the ratification of the present treaty, to negotiate and conclude a treaty to regulate commerce and provide against impressment, it is meant only to show the extent to which you may go, in a spirit of accommodation, if necessary. Should the British government be willing to take the subject up immediately with you, it would be much preferred, in which case the proposed article would, of course, be adapted to the purpose.

Information has been received from a quarter deserving attention, that the late events in France have produced such an effect on the British government, as to make it probable that a demand will be made at Gottenburg, to surrender our right to the fisheries, to abandon all trade beyond the Cape of Good Hope, and to cede Louisiana to Spain. We cannot believe that such a demand will be made; should it be, you will of course treat it as it deserves. These rights must not be brought into discussion. If insisted on, your negotiations will cease.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

“ WHEREAS by the peace in Europe, the essential causes of the war between the United States and Great Britain,

and particularly the practice of impressment, have ceased, and a sincere desire exists to arrange, in a manner satisfactory to both parties, all questions concerning seamen; and it is also their desire and intention to arrange, in a like satisfactory manner, the commerce between the two countries, it is therefore agreed, that commissioners shall forthwith be appointed on each side, to meet at — with full power to negotiate and conclude a treaty, as soon as it may be practicable, for the arrangement of those important interests. It is nevertheless understood, that until such treaty be formed, each party shall retain all its rights, and that all American citizens who have been impressed into the British service shall be forthwith discharged.”

Extract of a Letter from the Secretary of State to the commissioners of the United States for treating of peace with Great Britain, dated Department of State, June 27, 1814.

“THE omission to send ministers to Gottenburg without a previous and official notification of the appointment and arrival there of those of the United States, a formality, which, if due from either party, might have been expected from that making the overture, rather than that accepting it, is a proof of a dilatory policy, and would, in other respects, justify animadversions, if there was less disposition here to overlook circumstances of form, when interfering with more substantial objects.

“By my letter of the 25th inst. which goes with this, you will find that the subject had already been acted on under similar impressions with those which Mr. Bayard and Mr. Gallatin’s letter could not fail to produce. The view, however, presented by them is much stronger, and entitled to much greater attention. The President has taken the subject into consideration again, and given to their suggestions all the weight to which they are justly entitled.

“On mature consideration it has been decided, that under all the circumstances above alluded to, incident to a prosecution of the war, you may omit any stipulation on

the subject of impressment, if found indispensably necessary to terminate it. You will, of course, not recur to this expedient until all your efforts to adjust the controversy in a more satisfactory manner have failed. As it is not the intention of the United States, in suffering the treaty to be silent on the subject of impressment, to admit the British claim thereon, or to relinquish that of the United States, it is highly important that any such inference be entirely precluded, by a declaration or protest in some form or other, that the omission is not to have any such effect or tendency. Any modification of the practice, to prevent abuses, being an acknowledgment of the right in Great Britain, is utterly inadmissible.

“Although Gottenburg was contemplated at the time your commission was made out, as the seat of the negotiation, yet your commission itself does not confine you to it. You are at liberty, therefore, to transfer the negotiation to any other place made more eligible by a change of circumstances. Amsterdam and the Hague readily present themselves as preferable to any place in England. If, however, you should be of opinion, that under all circumstances, the negotiation in that country will be attended with advantages, outweighing the objections to it, you are at liberty to transfer it there.”

Extract of a Letter from the Secretary of State, to the commissioners of the United States, for treating of peace with Great Britain, dated Department of State, Aug. 11, 1814.

“I HAD the honour to receive on the 3d of this month a letter from Mr. Bayard and Mr. Gallatin, of the 23d of May, and one from Mr. Gallatin, of the 2d of June.

“The President approves the arrangement communicated by those gentlemen for transferring the negotiation with the British government from Gottenburg to Ghent. It is presumed from Mr. Gallatin’s letter that the meeting took place towards the latter end of June, and that we shall soon hear from you what will be its probable result.

“By my letters of the 25th and 27th June, of which

another copy is now forwarded, the sentiments of the President, as to the conditions on which it will be proper for you to conclude a treaty of peace, are made known to you. It is presumed that either in the mode suggested in my letter of the 25th June, which is much preferred, or by permitting the treaty to be silent on the subject, as is authorized in the letter of the 27th June, the question of impressment may be so disposed of, as to form no obstacle to a pacification. This government can go no further, because it will make no sacrifice of the rights or honour of the nation.

“ If Great Britain does not terminate the war on the conditions which you are authorized to adopt, she has other objects in it than those for which she has hitherto professed to contend. That such are entertained, there is much reason to presume. These, whatever they may be, must and will be resisted by the United States. The conflict may be severe, but it will be borne with firmness, and as we confidently believe, be attended with success.”

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. DEC. 1, 1814.

I TRANSMIT, for the information of Congress, the communications last received from the ministers extraordinary, and plenipotentiary of the United States at Ghent, explaining the course and actual state of their negotiations with the plenipotentiaries of Great Britain.

JAMES MADISON.

The Ministers Plenipotentiary and Extraordinary of the United States, at Ghent, to the Secretary of State. Ghent, Oct. 25, 1814.

SIR,

WE have the honour of transmitting herewith copies of all our correspondence with the British plenipotentiaries

since the departure of Mr. Dallas. Although the negotiation has not terminated so abruptly as we expected at that period that it would, we have no reason to retract the opinion which we then expressed, that no hopes of peace, as likely to result from it, could be entertained. It is true that the terms which the British government had so peremptorily prescribed at that time have been apparently abandoned, and that the *sine qua non*, then required as a preliminary to all discussion upon other topics, has been reduced to an article securing merely an Indian pacification, which we have agreed to accept, subject to the ratification or rejection of our government. But you will perceive that our request for the exchange of a project of a treaty has been eluded, and that in their last note the British plenipotentiaries have advanced a demand not only new and inadmissible, but totally incompatible with their uniform previous declarations, that Great Britain had no view in this negotiation to any acquisition of territory. It will be perceived, that this new pretension was brought forward immediately after the accounts had been received that a British force had taken possession of all that part of the state of Massachusetts situated east of Penobscot river. The British plenipotentiaries have invariably referred to their government every note received from us, and waited the return of their messenger before they have transmitted to us their answer; and the whole tenor of the correspondence, as well as the manner in which it has been conducted on the part of the British government, have concurred to convince us, that their object has been delay. Their motives for this policy we presume to have been to keep the alternative of peace, or of a protracted war, in their own hands, until the general arrangement of European affairs should be accomplished at the congress of Vienna, and until they could avail themselves of the advantages which they have anticipated from the success of their arms during the present campaign in America.

Although the sovereigns who had determined to be present at the congress of Vienna have been already several weeks assembled there, it does not appear by the last ad-

vices from that place, that the congress has been formally opened. On the contrary, by a declaration from the plenipotentiaries of the powers, who were parties to the peace of Paris of 30th May last, the opening of the Congress appears to have been postponed to the first of November. A memorial is said to have been presented by the French ambassador, Talleyrand, in which it is declared, that France having returned to her boundaries in 1792, can recognise none of the aggrandizements of the other great powers of Europe since that period, although not intending to oppose them by war.

These circumstances indicate that the new basis for the political system of Europe, will not be so speedily settled as had been expected. The principle thus assumed by France is very extensive in its effects, and opens a field for negotiation much wider than had been anticipated. We think it does not promise an aspect of immediate tranquillity to this continent, and that it will disconcert particularly the measures which Great Britain has been taking with regard to the future destination of this country, among others, and to which she has attached apparently much importance.

We have the honour to be, &c.

(Signed)

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
ALBERT GALLATIN.

The Ministers Plenipotentiary and Extraordinary of the United States to the Plenipotentiaries of his Britannic Majesty. Ghent, August 24, 1814.

THE undersigned, ministers plenipotentiary and extraordinary from the United States of America, have given to the official note which they have had the honour of receiving from his Britannic majesty's plenipotentiaries the deliberate attention which the importance of its contents required, and have now that of transmitting to them their answer on the several points to which it refers.

They would present to the consideration of the British plenipotentiaries, that lord Castlereagh, in his letter of the 4th of November, 1813, to the American secretary of state, pledges the faith of the British government that "they were willing to enter into discussion with the government of America for the conciliatory adjustment of the differences subsisting between the two states, with an earnest desire on their part to bring them to a favourable issue, upon principles of perfect reciprocity, not inconsistent with the established maxims of publick law, and with the maritime rights of the British empire." This fact alone might suffice to show, that it ought not to have been expected that the American government, in acceding to this proposition, should have exceeded its terms, and furnished the undersigned with instructions authorizing them to treat with the British plenipotentiaries respecting Indians situated within the boundaries of the United States. That such expectation was not entertained by the British government might also have been inferred from the explicit assurance which the British plenipotentiaries gave, on the part of their government, at the first conference which the undersigned had the honour of holding with them, that no events, subsequent to the first proposal for this negotiation, had, in any manner, varied either the disposition of the British government, that it might terminate in a peace honourable to both parties, or the terms upon which they would be willing to conclude it.

It is well known that the differences which unhappily subsisted between Great Britain and the United States, and which ultimately led to the present war, were wholly of a maritime nature, arising principally from the British orders in council, in relation to blockades, and from the impressment of mariners on board of American vessels. The boundary of the Indian territory had never been a subject of difference between the two countries. Neither the principles of reciprocity, the maxims of publick law, nor the maritime rights of the British empire, could require the permanent establishment of such boundary. The novel pretensions now advanced could no more have been

anticipated by the government of the United States, in forming instructions for this negotiation, than they seem to have been contemplated by that of Great Britain in Nov. last in proposing it. Lord Castlereagh's note makes the termination of the war to depend on a conciliatory adjustment of the differences then subsisting between the two states, and on no other condition whatever.

Nor could the American government have foreseen that Great Britain, in order to obtain peace for the Indians, residing within the dominions of the United States, whom she had induced to take part with her in the war, would demand that they should be made parties to the treaty between the two nations, or that the boundaries of their lands should be permanently and irrevocably fixed by that treaty. Such a proposition is contrary to the acknowledged principles of publick law, and to the practice of all civilized nations, particularly of Great Britain and of the United States. It is not founded on reciprocity. It is unnecessary for the attainment of the object which it professes to have in view.

No maxim of publick law has hitherto been more universally established among the powers of Europe possessing territories in America, and there is none to which Great Britain has more uniformly and inflexibly adhered, than that of suffering no interposition of a foreign power in the relations between the acknowledged sovereign of the territory, and the Indians situated upon it. Without the admission of this principle, there would be no intelligible meaning attached to stipulations establishing boundaries between the dominions in America of civilized nations possessing territories inhabited by Indian tribes. Whatever may be the relations of Indians to the nation in whose territory they are thus acknowledged to reside, they cannot be considered as an independent power by the nation which has made such acknowledgment.

That the territory of which Great Britain wishes now to dispose, is within the dominions of the United States, was solemnly acknowledged by herself in the treaty of peace of 1783, which established their boundaries, and by

which she relinquished all claims to the government, propriety, and territorial rights within those boundaries. No condition respecting the Indians residing therein, was inserted in that treaty. No stipulation similar to that now proposed, is to be found in any treaty made by Great Britain, or within the knowledge of the undersigned, by any other nation.

The Indian tribes for which Great Britain proposes now to stipulate have, themselves, acknowledged this principle. By the Greenville treaty of 1795, to which the British plenipotentiaries have alluded, it is expressly stipulated, and the condition has been confirmed by every subsequent treaty, so late as the year 1810, “ That the Indian tribes shall quietly enjoy their lands, hunting, planting and dwelling thereon, so long as they please, without any molestation from the United States; but that when their tribes, or any of them, shall be disposed to sell their lands, they are to be sold only to the United States: that until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude on the same, and that the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and of no other power whatever.”

That there is no reciprocity in the proposed stipulation is evident. In prohibiting Great Britain and the United States from purchasing lands within a part of the dominions of the latter power, while it professes to take from Great Britain a privilege which she had not, it actually deprives the United States of a right exclusively belonging to them.

The proposition is also utterly unnecessary for the purpose of obtaining a pacification for the Indians residing within the territories of the United States. The undersigned have already had the honour of informing the British plenipotentiaries, that, under the system of liberal policy adopted by the United States in their relations with the Indians within their territories, an uninterrupted peace

had subsisted from the year 1795, not only between the United States and all those tribes, but also amongst those tribes themselves, for a longer period of time than ever had been known since the first settlement of North America. Against those Indians the United States have neither interest nor inclination to continue the war. They have nothing to ask of them but peace. Commissioners on their part have been appointed to conclude it, and an armistice was actually made last autumn with most of those tribes. The British government may again have induced some of them to take their side in the war, but peace with them will necessarily follow immediately a peace with Great Britain. To a provisional article, similar to what has been stipulated in some former treaties, engaging that each party will treat for the Indians within its territories, include them in the peace, and use its best endeavours to prevent them from committing hostilities against the citizens or subjects of the other party, the undersigned might assent, and rely on the approbation and ratification of their government. They would also, for the purpose of securing the duration of peace, and to prevent collisions which might interrupt it, propose a stipulation which should preclude the subjects or citizens of each nation, respectively, from trading with the Indians residing in the territory of the other. But to surrender both the rights of sovereignty and of soil over nearly one third of the territorial dominions of the United States, and to a number of Indians not probably exceeding twenty thousand, the undersigned are so far from being instructed or authorized, that they assure the British commissioners that any arrangement for that purpose would be instantaneously rejected by their government.

Not only has this extraordinary demand been made a *sine qua non*, to be admitted without discussion, and as a preliminary basis; but it is accompanied by others equally inadmissible, which the British plenipotentiaries state to be so connected with it, that they may reasonably influence the decision of the undersigned upon it, yet leaving them

uninformed how far these other demands may also be insisted on as indispensable conditions of a peace.

As little are the undersigned instructed or empowered to accede to the propositions of the British government, in relation to the military occupation of the western lakes. If they have found the proposed interference of Great Britain in the concerns of Indians residing within the United States utterly incompatible with any established maxim of publick law, they are no less at a loss to discover by what rule of perfect reciprocity the United States can be required to renounce their equal right of maintaining a naval force upon those lakes, and of fortifying their own shores, while Great Britain reserves exclusively the corresponding rights to herself. That in point of military preparation, Great Britain, in her possessions in North America, ever has been in a condition to be termed, with propriety, the weaker power, in comparison with the United States, the undersigned believe to be incorrect in point of fact. In regard to the fortification of the shores, and to the forces actually kept on foot upon those frontiers, they believe the superiority to have always been on the side of Great Britain. If the proposal to dismantle the forts upon her shores, strike for ever her military flag upon the lakes, and lay her whole frontier defenceless in the presence of her armed and fortified neighbour, had proceeded, not from Great Britain to the United States, but from the United States to Great Britain, the undersigned may safely appeal to the bosoms of his Britannic majesty's plenipotentiaries for the feelings with which, not only in regard to the interests, but to the honour of their nation, they would have received such a proposal. What would Great Britain herself say, if, in relation to another frontier, where she has the acknowledged superiority of strength, it were proposed that she should be reduced to a condition even of equality with the United States?

The undersigned further perceive, that under the alleged purpose of opening a direct communication between two of the British provinces in America, the British government require a cession of territory forming a part of one of the states of the American union, and that they propose,

without purpose specifically alleged, to draw the boundary line westward, not from the Lake of the Woods, as it now is, but from Lake Superior. It must be perfectly immaterial to the United States, whether the object of the British government, in demanding the dismemberment of the United States, is to acquire territory, as such, or for purposes less liable, in the eyes of the world, to be ascribed to the desire of aggrandizement. Whatever the motive may be, and with whatever consistency views of conquest may be disclaimed, while demanding for herself, or for the Indians, a cession of territory more extensive than the whole island of Great Britain, the duty marked out for the undersigned is the same. They have no authority to cede any part of the territory of the United States, and to no stipulation to that effect will they subscribe.

The conditions proposed by Great Britain have no relation to the subsisting differences between the two countries: they are inconsistent with acknowledged principles of publick law: they are founded neither on reciprocity nor any of the usual bases of negotiation, neither on that of the *uti possidetis*, or of *status ante bellum*: they would inflict the most vital injury on the United States, by dismembering their territory, by arresting their natural growth and increase of population, and by leaving their northern and western frontier equally exposed to British invasion and to Indian aggression: they are, above all, dishonourable to the United States, in demanding from them to abandon territory and a portion of their citizens, to admit a foreign interference in their domestick concerns, and to cease to exercise their natural rights on their own shores and in their own waters. A treaty concluded on such terms would be but an armistice. It cannot be supposed that America would long submit to conditions so injurious and degrading. It is impossible, in the natural course of events, that she should not, at the first favourable opportunity, recur to arms, for the recovery of her territory, of her rights, of her honour. Instead of settling existing differences, such a peace would only create new causes of war, sow the seeds of a permanent hatred, and lay the foundation of hostilities for an indefinite period.

Essentially pacifick from her political institutions, from the habits of her citizens, from her physical situation, America reluctantly engaged in the war. She wishes for peace ; but she wishes for it upon those terms of reciprocity, honourable to both countries, which can alone render it permanent. The causes of the war between the United States and Great Britain having disappeared by the maritime pacification of Europe, the government of the United States does not desire to continue it, in defence of abstract principles, which have, for the present, ceased to have any practical effect. The undersigned have been accordingly instructed to agree to its termination, both parties restoring whatever territory they may have taken, and both reserving all their rights, in relation to their respective seamen. To make the peace between the two nations solid and permanent, the undersigned were also instructed, and have been prepared to enter into the most amicable discussion of all those points on which differences or uncertainty had existed, and which might hereafter tend in any degree whatever to interrupt the harmony of the two countries, without, however, making the conclusion of the peace at all depend upon a successful result of the discussion.

It is, therefore, with deep regret, that the undersigned have seen that other views are entertained by the British government, and that new and unexpected pretensions are raised, which, if persisted in, must oppose an insuperable obstacle to a pacification. It is not necessary to refer such demands to the American government for its instruction.

They will only be a fit subject of deliberation, when it becomes necessary to decide upon the expediency of an absolute surrender of national independence.

The undersigned request the British plenipotentiaries to accept the assurance of their high consideration.

(Signed)

JOHN QUINCY ADAMS,
JAMES A. BAYARD,
H. CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

*To the Plenipotentiaries of His
Britannic Majesty, &c. &c. &c.*

*The British to the American Commissioners. Ghent,
September 4, 1814.*

THE undersigned have the honour to acknowledge the receipt of the note of the American plenipotentiaries, dated the 24th ultimo.

It is with unfeigned regret that the undersigned observe, both in the tone and substance of the whole note, so little proof of any disposition on the part of the government of the United States to enter into an amicable discussion of the several points submitted by the undersigned in their former communication. The undersigned are perfectly aware, that in bringing forward those points for consideration, and stating with so much frankness, as they did, the views with which they were proposed, they departed from the usual course of negotiation, by disclosing all the objects of their government, while those which the American government had in view were withheld ; but in so doing they were principally actuated by a sincere desire of bringing the negotiation as soon as possible to a favourable termination, and in some measure by their willingness to comply with the wishes expressed by the American plenipotentiaries themselves.

It is perfectly true that the war between his majesty and the United States, was declared by the latter power, upon the pretence of maritime rights alleged to be asserted by Great Britain, and disputed by the United States.

If the war thus declared by the United States had been carried on by them for objects purely of a maritime nature, or if the attack which has been made on Canada had been for the purpose of diversion, or in the way of defence against the British forces in that quarter, any question as to the boundaries of Canada might have been considered as unnecessary ; but it is notorious to the whole world that the conquest of Canada, and its permanent annexation to the United States, was the declared object of the American government. If, in consequence of a different course of events on the continent of Europe, his majesty's government had been unable to reinforce the British armies in

Canada, and the United States had obtained a decided superiority in that quarter, is there any person who doubts that they would have availed themselves of their situation to obtain on the side of Canada important cessions of territory, if not the entire abandonment of that country by Great Britain? Is the American government to be allowed to pursue, so far as its means will enable it, a system of acquisition and aggrandizement to the extent of annexing entire provinces to their dominions, and is his majesty to be precluded from availing himself of his means, so far as they will enable him, to retain those points which the valour of British arms may have placed in his power, because they happen to be situated within the territories allotted under former treaties to the government of the United States?

Such a principle of negotiation was never avowed at any period antecedent to that of the revolutionary government of France.

If the policy of the United States had been essentially pacifick, as the American plenipotentiaries assert it ought to be, from their political institutions, from the habits of their citizens, and from their physical situation, it might not have been necessary to propose the precautionary provisions now under discussion. That, of late years at least, the American government have been influenced by a very different policy; by a spirit of aggrandizement not necessary to their own security, but increasing with the extent of their empire, has been too clearly manifested by their progressive occupation of the Indian territories; by the acquisition of Louisiana; by the more recent attempt to wrest by force of arms from a nation in amity the two Floridas; and, lastly, by the avowed intention of permanently annexing the Canadas to the United States.

If, then, the security of the British North American dominions requires any sacrifices on the part of the United States, they must be ascribed to the declared policy of that government in making the war not one of self defence, nor for the redress of grievances real or pretended, but a part of a system of conquest and aggrandizement.

The British government, in its present situation, is bound in duty to endeavour to secure its North American dominions against those attempts at conquest, which the American government have avowed to be a principle of their policy, and which as such will undoubtedly be renewed, whenever any succeeding war between the two countries shall afford a prospect of renewing them with success.

The British plenipotentiaries proposed that the military possession of the lakes, from lake Ontario to lake Superior, should be secured to Great Britain, because the command of those lakes would afford to the American government the means of commencing a war in the heart of Canada, and because the command of them, on the part of Great Britain, has been shown by experience to be attended with no insecurity to the United States.

When the relative strength of the two powers in North America is considered, it should be recollected that the British dominions in that quarter do not contain a population of five hundred thousand souls, whereas the territory of the United States contains a population of more than seven millions; that the naval resources of the United States are at hand for attack, and that the naval resources of Great Britain are on the other side of the Atlantic.

The military possession of those lakes is not, therefore, necessary for the protection of the United States.

The proposal for allowing the territories on the southern banks of the lakes above mentioned to remain in the possession of the government of the United States, provided no fortifications should be erected on the shores, and no armament permitted on the waters, has been made for the purpose of manifesting that security, and not acquisition of territory, is the object of the British government, and that they have no desire to throw obstacles in the way of any commerce which the people of the United States may be desirous of carrying on upon the lakes in time of peace.

The undersigned, with the anxious wish to rectify all misunderstanding, have thus more fully explained the grounds upon which they brought forward the propositions contained in their former note respecting the boundaries of the British dominions in North America.

They do not wish to insist upon them beyond what the circumstances may fairly require. They are ready, amicably, to discuss the details of them with a view to the adoption of any modifications which the American plenipotentiaries, or their government, may have to suggest, if they are not incompatible with the object itself.

With respect to the boundary of the district of Maine, and that of the north-western frontier of the United States, the undersigned were not prepared to anticipate the objections contained in the note of the American plenipotentiaries, "that they were instructed to treat for the revision of their boundary lines," with the statement which they have subsequently made, that they had no authority to cede any part, however insignificant, of the territories of the United States, although the proposal left it open to them to demand an equivalent for such cession either in frontier or otherwise.

The American plenipotentiaries must be aware that the boundary of the district of Maine has never been correctly ascertained ; that the one asserted at present by the American government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British plenipotentiaries who concluded the treaty of 1783, and that the greater part of the territory in question is actually unoccupied.

The undersigned are persuaded that an arrangement on this point might be easily made, if entered into with the spirit of conciliation, without any prejudice to the interests of the district in question.

As the necessity for fixing some boundary for the north-western frontier has been mutually acknowledged, a proposal for a discussion on that subject cannot be considered as a demand for a cession of territory, unless the United States are prepared to assert that there is no limit to their territories in that direction, and that availing themselves of the geographical error upon which that part of the treaty of 1783 was founded, they will acknowledge no boundary whatever, then unquestionably any proposition to fix one, be it what it may, must be considered as demanding a large cession of territory from the United States.

Is the American government prepared to assert such an unlimited right, so contrary to the evident intention of the treaty itself? Or is his majesty's government to understand that the American plenipotentiaries are willing to acknowledge the boundary from the Lake of the Woods to the Mississippi (the arrangement made by a convention in 1803, but not ratified) as that by which their government is ready to abide?

The British plenipotentiaries are instructed to accept favourably such a proposition, or to discuss any other line of boundary which may be submitted for consideration.

It is with equal astonishment and regret the undersigned find that the American plenipotentiaries have not only declined signing any provisional article, by which the Indian nations who have taken part with Great Britain in the present contest may be included in the peace, and may have a boundary assigned to them, but have also thought proper to express surprise at any proposition on the subject having been advanced.

The American plenipotentiaries state, that their government could not have expected such a discussion, and appear resolved, at once, to reject any proposition on this head; representing it as a demand contrary to the acknowledged principles of publick law, tantamount to a cession of one third of the territorial dominions of the United States, and required to be admitted without discussion.

The proposition which is thus represented is, that the Indian nations, which have been during the war in alliance with Great Britain, should at its termination be included in the pacification; and with a view to their permanent tranquillity and security, that the British government is willing to take as a basis of an article on the subject of a boundary for those nations, the stipulations which the American government contracted in 1795, subject, however to modifications.

After the declaration, publicly made to those Indian nations by the governour general of Canada, that Great Britain would not desert them, could the American go-

vernment really persuade itself that no proposition relating to those nations would be advanced, and did lord Castlereagh's note of the 4th November, 1813, imply so great a sacrifice of honour, or exclude from discussion every subject, excepting what immediately related to the maritime questions referred to in it ?

When the undersigned assured the American plenipotentiaries of the anxious wish of the British government that the negotiation might terminate in a peace honourable to both parties, it could not have been imagined that the American plenipotentiaries would thence conclude, that his majesty's government was prepared to abandon the Indian nations to their fate, nor could it have been foreseen that the American government would have considered it as derogatory to its honour to admit a proposition by which the tranquillity of those nations might be secured.

The British plenipotentiaries have yet to learn, that it is contrary to the acknowledged principles of publick law to include allies in a negotiation for peace, or that it is contrary to the practice of all civilized nations to propose that a provision should be made for their future security.

The treaty of Greenville established the boundaries between the United States and the Indian nations. The American plenipotentiaries must be aware, that the war, which has since broken out, has abrogated that treaty. Is it contrary to the established principles of publick law for the British government to propose, on behalf of its allies, that this treaty shall, on the pacification, be considered subject to such modifications as the case may render necessary ? Or is it unreasonable to propose, that this stipulation should be amended, and that on that foundation some arrangement should be made which would provide for the existence of a neutral power between Great Britain and the United States, calculated to secure to both a longer continuance of the blessings of peace ?

So far was that specifick proposition respecting the Indian boundaries from being insisted upon in the note, or in the conference which preceded it, as one to be admitted without discussion, that it would have been difficult to

use terms of greater latitude, or which appeared more adapted, not only not to preclude but to invite discussion.

If the basis proposed could convey away one third of the territory of the United States, the American government itself must have conveyed it away by the Greenville treaty of 1795.

It is impossible to read that treaty without remarking how inconsistent the present pretensions of the American government are, with its preamble and provisions. The boundary line between the lands of the United States, and those of the Indian nations, is therein expressly defined. The general character of the treaty, is that of a treaty with independent nations; and the very stipulation which the American plenipotentiaries refer to, that the Indian nations should sell their lands only to the United States, tends to prove that, but for that stipulation, the Indians had a general right to dispose of them.

The American government has now for the first time, in effect, declared that all Indian nations within its line of demarcation are its subjects, living there upon sufferance, on lands which it also claims the exclusive right of acquiring, thereby menacing the final extinction of those nations.

Against such a system, the undersigned must formally protest. The undersigned repeat, that the terms on which the proposition has been made for assigning to the Indian nations some boundary, manifest no unwillingness to discuss any other proposition directed to the same object, or even a modification of that which is offered. Great Britain is ready to enter into the same engagements with respect to the Indians living within her line of demarcation, as that which is proposed to the United States. It can, therefore, only be from a complete misapprehension of the proposition, that it can be represented as being not reciprocal. Neither can it, with any truth, be represented as contrary to the acknowledged principles of publick law, as derogatory to the honour, or inconsistent with the rights of the American government, nor as a demand required to be admitted without discussion.

After this full exposition of the sentiments of his majes-

ty's government on the points above stated, it will be for the American plenipotentiaries to determine, whether they are ready now to continue the negotiations; whether they are disposed to refer to their government for further instructions; or, lastly, whether they will take upon themselves the responsibility of breaking off the negotiation altogether.

The undersigned request the American plenipotentiaries to accept the assurance of their high consideration.

(Signed) *Henry Goulburn* GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

The American to the British Commissioners. Ghent, September 9, 1814.

THE undersigned have had the honour to receive the note of his Britannic majesty's plenipotentiaries, dated the 4th inst. If, in the tone or substance of the former note of the undersigned, the British commissioners have perceived little proof of any disposition on the part of the American government, for a discussion of some of the propositions advanced in the first note, which the undersigned had the honour of receiving from them, they will ascribe it to the nature of the propositions themselves, to their apparent incompatibility with the assurances in Lord Castlereagh's letter to the American secretary of state, proposing this negotiation, and with the solemn assurances of the British plenipotentiaries themselves, to the undersigned, at their first conferences with them.

The undersigned, in reference to an observation of the British plenipotentiaries, must be allowed to say, that the objects which the government of the United States had in view, have not been withheld.

The subjects considered as suitable for discussion were fairly brought forward, in the conference of the 9th ult. and the terms on which the United States were willing to conclude the peace, were frankly and expressly declared in the note of the undersigned, dated the 24th ult. It had been confidently hoped that the nature of those terms, so evidently framed in a sincere spirit of conciliation, would

have induced Great Britain to adopt them as the basis of a treaty: and it is with deep regret, that the undersigned, if they have rightly understood the meaning of the last note of the British plenipotentiaries, perceive that they still insist on the exclusive military possession of the lakes, and on a permanent boundary and independent territory for the Indians residing within the dominions of the United States.

The first demand is grounded on the supposition, that the American government has manifested, by its proceedings towards Spain, by the acquisition of Louisiana, by purchases of Indian lands, and by an avowed intention of permanently annexing the Canadas to the United States, a spirit of aggrandizement and conquest, which justifies the demand of extraordinary sacrifices from them, to provide for the security of the British possessions in America.

In the observations which the undersigned felt it their duty to make on the new demands of the British government, they confined their animadversions to the nature of the demands themselves; they did not seek for illustrations of the policy of Great Britain in her conduct, in various quarters of the globe, towards other nations, for she was not accountable to the United States. Yet the undersigned will say, that their government has ever been ready to arrange, in the most amicable manner, with Spain, the questions respecting the boundaries of Louisiana and Florida, and that of indemnities acknowledged by Spain due to American citizens. How the peaceable acquisition of Louisiana, or the purchase of lands within the acknowledged territories of the United States, both made by fair and voluntary treaties for satisfactory equivalents, can be ascribed to a spirit of conquest dangerous to their neighbours, the undersigned are altogether at a loss to understand.

Nor has the conquest of Canada, and its permanent annexation to the United States, been the declared object of their government. From the commencement of the war to the present time, the American government has been always willing to make peace, without obtaining any cession of

territory, and on the sole condition that the maritime questions might be satisfactorily arranged. Such was their disposition in the month of July, 1812, when they instructed Mr. Russell to make the proposal of an armistice ; in the month of October, of the same year, when Mr. Monroe answered admiral Warren's proposal to the same effect ; in April, 1813, when instructions were given to three of the undersigned, then appointed to treat of peace, under the mediation of Russia ; and in January, 1814, when the instructions under which the undersigned are now acting, were prepared.

The proposition of the British plenipotentiaries is, that, in order to secure the frontier of Canada against attack, the United States should leave their own without defence : and it seems to be forgotten, that if their superior population, and the proximity of their resources, give them any advantage in that quarter, it is balanced by the great difference between the military establishments of the two nations. No sudden invasion of Canada by the United States could be made, without leaving on their Atlantic shores, and on the ocean, exposed to the great superiority of British force, a mass of American property far more valuable than Canada. In her relative superior force to that of the United States, in every other quarter, Great Britain may find a pledge much more efficacious for the safety of a single vulnerable point, than in stipulations ruinous to the interests and degrading to the honour of America. The best security for the possessions of both countries will, however, be found in an equal and solid peace ; in a mutual respect for the rights of each other, and in the cultivation of a friendly understanding between them. If there be any source of jealousy in relation to Canada itself, it will be found to exist solely in the undue interference of traders and agents, which may be easily removed by proper restraints.

The only American forts on the lakes known to have been, at the commencement of the negotiation, held by British force, are Michilimackinac and Niagara. As the United States were, at the same time, in possession of Am-

herstburg and the adjacent country, it is not conceived that the mere occupation of those two forts could give any claim to his Britannic majesty to large cessions of territory, founded upon the right of conquest; and the undersigned may be permitted to add, that even if the chances of war should yield to the British arms a momentary possession of other parts of the territories of the United States, such events would not alter their views with regard to the terms of peace to which they would give their consent. Without recurring to examples drawn from the revolutionary governments of France, or to a more recent and illustrious triumph of fortitude in adversity, they have been taught by their own history, that the occupation of their principal cities would produce no despondency, nor induce their submission to the dismemberment of their empire, or to the abandonment of any one of the rights which constitute a part of their national independence.

The general proposition, that it was consistent with the principles of publick law, and with the practice of civilized nations, to include allies in a treaty of peace, and to provide for their security, never was called in question by the undersigned. But they have denied the right of Great Britain, according to those principles and to her own practice, to interfere in any manner with Indian tribes residing within the territories of the United States, as acknowledged by herself, to consider such tribes as her allies, or to treat for them with the United States. They will not repeat the facts and arguments already brought forward by them in support of this position, and which remain unanswered. The observations made by the British plenipotentiaries on the treaty of Greenville, and their assertion that the United States now, for the first time, deny the absolute independence of the Indian tribes, and claim the exclusive right of purchasing their lands, require, however, some notice.

If the United States had now asserted, that the Indians within their boundaries, who have acknowledged the United States as their only protectors, were their subjects, living only at sufferance on their lands, far from

being the first in making that assertion, they would only have followed the example of the principles, uniformly and invariably asserted in substance, and frequently avowed in express terms, by the British government itself. What was the meaning of all the colonial charters granted by the British monarchy, from that of Virginia, by Elizabeth, to that of Georgia, by the immediate predecessor of the present king, if the Indians were the sovereigns and proprietors of the lands bestowed by those charters? What was the meaning of that article in the treaty of Utrecht, by which the five nations were described, in terms, as subject to the dominion of Great Britain? or that of the treaty with the Cherokees, by which it was declared that the king of Great Britain granted them the privilege to live where they pleased, if those subjects were independent sovereigns, and if these tenants, at the license of the British king, were the rightful lords of the lands where he granted them permission to live? What was the meaning of that proclamation of his present Britannic majesty issued in 1763, declaring all purchases of lands from the Indians null and void, unless made by treaties held under the sanction of his majesty's government, if the Indians had the right to sell their lands to whom they pleased? What was the meaning of boundary lines of American territories, in all the treaties of Great Britain with other European powers having American possessions, particularly in the treaty of 1763, by which she acquired from France the sovereignty and possession of the Canadas; in her treaty of peace with the United States in 1783; nay, what is the meaning of the north-western boundary line, now proposed by the British commissioners themselves, if it is the rightful possession and sovereignty of independent Indians, of which these boundaries dispose? Is it, indeed, necessary to ask, whether Great Britain ever has permitted, or would permit, any foreign nation, or, without her consent, any of her subjects, to acquire lands from the Indians, in the territories of the Hudson bay company, or in Canada? In formally protesting against this system, it is not against a novel pretension of the American government, it is against

the most solemn acts of their own sovereigns, against the royal proclamations, charters, and treaties of Great Britain, for more than two centuries, from the first settlement of North America to the present day, that the British plenipotentiaries protest.

From the rigour of this system, however, as practised by Great Britain, and all the other European powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the laws of nations, to whose authority British Jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and of the founder of Pennsylvania, in having purchased of the Indians the lands they resolved to cultivate, notwithstanding their being furnished with a charter from their sovereign. It is this example, which the United States, since they became, by their independence, the sovereigns of the territory, have adopted and organized into a political system. Under that system, the Indians residing within the United States are so far independent, that they live under their own customs, and not under the laws of the United States: that their rights upon the lands where they inhabit, or hunt, are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them. They are so far dependent as not to have the right to dispose of their lands to any private persons, nor to any power other than the United States, and to be under their protection alone, and not under that of any other power. Whether called subjects, or by whatever name designated, such is the relation between them and the United States. That relation is neither asserted now for the first time, nor did it originate with the treaty of Greenville. These principles have been uniformly re-

cognised by the Indians themselves, not only by that treaty, but in all the other previous as well as subsequent treaties, between them and the United States.

The treaty of Greenville neither took from the Indians the right, which they had not, of selling lands within the jurisdiction of the United States to foreign governments or subjects, nor ceded to them the right of exercising exclusive jurisdiction within the boundary line assigned. It was merely declaratory of the publick law, in relation to the parties, founded on principles previously and universally recognised. It left to the United States the rights of exercising sovereignty and of acquiring soil, and bears no analogy to the proposition of Great Britain which requires the abandonment of both.

The British plenipotentiaries state in their last note, that Great Britain is ready to enter into the same engagement with respect to the Indians living within her line of demarcation, as that which is proposed to the United States. The undersigned will not dwell on the immense inequality of value between the two territories, which, under such an arrangement, would be assigned, by each nation, respectively, to the Indians, and which alone would make the reciprocity merely nominal. The condition which would be thus imposed on Great Britain not to acquire lands in Canada from the Indians, would be productive of no advantage to the United States, and is, therefore, no equivalent for the sacrifice required of them. They do not consider that it belongs to the United States in any respect to interfere with the concerns of Great Britain in her American possessions, or with her policy towards the Indians residing there: and they cannot consent to any interference, on the part of Great Britain, with their own concerns, and particularly with the Indians living within their territories. It may be the interest of Great Britain to limit her settlements in Canada to their present extent, and to leave the country to the west a perpetual wilderness, to be for ever inhabited by scattered tribes of hunters: but it would inflict a vital injury on the United States to have a line run through their territory, beyond which their settlements

should for ever be precluded from extending, thereby arresting the natural growth of their population and strength ; placing the Indians substantially, by virtue of the proposed guarantee, under the protection of Great Britain ; dooming them to perpetual barbarism, and leaving an extensive frontier for ever exposed to their savage incursions.

With respect to the mere question of peace with the Indians, the undersigned have already explicitly assured the British plenipotentiaries, that so far as it depended on the United States, it would immediately and necessarily follow a peace with Great Britain. If this be her sole object, no provision in the treaty to that effect is necessary. Provided the Indians will now consent to it, peace will immediately be made with them, and they will be reinstated in the same situation in which they stood before the commencement of hostilities. Should a continuance of the war compel the United States to alter their policy towards the Indians, who may still take the part of Great Britain, they alone must be responsible for the consequences of her own act in having induced them to withdraw themselves from the protection of the United States. The employment of savages, whose known rule of warfare is the indiscriminate torture and butchery of women, children and prisoners, is, itself, a departure from the principles of humanity observed between all civilized and Christian nations, even in war.

The United States have constantly protested, and still protest against it, as an unjustifiable aggravation of the calamities and horrors of war. Of the peculiar atrocities of Indian warfare, the allies of Great Britain, in whose behalf she now demands sacrifices of the United States, have, during the present war, shown many deplorable examples. Among them, the massacre, in cold blood, of wounded prisoners, and the refusal of the rites of burial to the dead, under the eyes of British officers, who could only plead their inability to control these savage auxiliaries, have been repeated and are notorious to the world. The United States might, at all times, have employed the same kind of force against Great Britain, to a greater extent

than it was in her power to employ it against them : but from their reluctance to resort to means so abhorrent to the natural feelings of humanity, they abstained from the use of them until compelled to the alternative of employing themselves Indians who would otherwise have been drawn into the ranks of their enemies. The undersigned, suggesting to the British plenipotentiaries the propriety of an article by which Great Britain and the United States should reciprocally stipulate never hereafter, if they should be again at war, to employ the savages in it, believe that it would be infinitely more honourable to the humanity and Christian temper of both parties, more advantageous to the Indians themselves, and better adapted to secure their permanent peace, tranquillity, and progressive civilization, than the boundary proposed by the British plenipotentiaries.

With regard to the cession of a part of the district of Maine, as to which the British plenipotentiaries are unable to reconcile the objections made by the undersigned, with their previous declaration, they have the honour to observe, that at the conference of the 8th ult. the British plenipotentiaries stated, as one of the subjects suitable for discussion, a revision of the boundary line between the British and American territories, with a view to prevent uncertainty and dispute : and that it was on the point thus stated, that the undersigned declared that they were provided with instructions from their government : a declaration which did not imply that they were instructed to make any cession of territory in any quarter, or to agree to a revision of the line, or to any exchange of territory, where no uncertainty or dispute existed.

The undersigned perceive no uncertainty or matter of doubt in the treaty of 1783, with respect to that part of the boundary of the district of Maine which would be affected by the proposal of Great Britain on that subject. They never have understood that the British plenipotentiaries who signed that treaty, had contemplated a boundary different from that fixed by the treaty, and which requires nothing more, in order to be definitely ascertain-

ed, than to be surveyed in conformity with its provisions. This subject not having been a matter of uncertainty or dispute, the undersigned are not instructed upon it; and they can have no authority to cede any part of the state of Massachusetts, even for what the British government might consider a fair equivalent.

In regard to the boundary of the north-western frontier, so soon as the proposition of Indian boundary is disposed of, the undersigned have no objection, with the explanation given by the British plenipotentiaries, in their last note, to discuss the subject.

The undersigned, in their former note, stated with frankness, and will now repeat, that the two propositions, 1st, of assigning in the proposed treaty of peace a definite boundary to the Indians living within the limits of the United States, beyond which boundary they should stipulate not to acquire, by purchase or otherwise, any territory; 2dly, of securing the exclusive military possession of the lakes to Great Britain; are both inadmissible; and that they cannot subscribe to, and would deem it useless to refer to their government any arrangement, even provisional, containing either of those propositions. With this understanding, the undersigned are now ready to continue the negotiation; and, as they have already expressed, to discuss all the points of difference, or which might hereafter tend in any degree to interrupt the harmony of the two countries.

The undersigned request the British plenipotentiaries to accept the assurance of their high consideration.

(Signed) J. Q. ADAMS,
J. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
A. GALLATIN.

The British to the American Commissioners. Ghent, September 19, 1814.

THE undersigned have the honour to acknowledge the receipt of the note addressed to them by the American plenipotentiaries on the 9th inst.

On the greater part of that note, the undersigned have no intention to make comments, having proposed to themselves throughout the negotiation to avoid all unnecessary discussions, more especially when tending to create irritation.

On the question of the north-western frontiers, they are happy to find that no material difficulty is likely to arise.

With respect to the boundary of the district of Maine, the undersigned observe with regret, that although the American plenipotentiaries have acknowledged themselves to be instructed to discuss a revision of the boundary line, with a view to prevent uncertainty and dispute, yet, by assuming an exclusive right at once to decide what is or is not a subject of uncertainty and dispute, they have rendered their powers nugatory or inadmissibly partial in their operation.

After the declaration made by the American plenipotentiaries, that the United States will admit of no line of boundary between their territory and that of the Indian nations, because the natural growth and population of the United States would be thereby arrested, it becomes unnecessary further to insist on the proof of a spirit of aggrandizement afforded by the purchase of Louisiana from France, against the known conditions on which it had been ceded by Spain to that country, or the hostile seizure of a great part of the Floridas, under the pretence of a dispute respecting the boundary.

The reason given by the American plenipotentiaries for this declaration, equally applies to the assignment of a boundary to the United States on any side, with whatever view proposed ; and the unlimited nature of the pretension would alone have justified Great Britain in seeking more effectual securities against its application to Canada than any which the undersigned have had the honour to propose.

Had the American plenipotentiaries been instructed on the subject of Canada, they would not have asserted that its permanent annexation had not been the declared object of their government. It has been distinctly avowed to be

such at different times, particularly by two American generals on their respective invasions of Canada. If the declaration first made had been disapproved, it would not have been repeated. The declarations here referred to are to be found in the proclamation of general Hull in July, 1812, and of general Smyth in November, 1812, copies of which are hereunto annexed.

It must be also from the want of instructions that the American plenipotentiaries have been led to assert that Great Britain has induced the Indians to withdraw from the protection of the United States. The government of the United States cannot have forgotten that Great Britain, so far from inducing the Indians to withdraw themselves from the protection of the United States, gave the earliest information of the intention of those nations to invade the United States, and exerted herself, though without success, to prevent and appease their hostility. The Indian nations, however, having experienced, as they thought, oppression, instead of protection from the United States, declared war against them previously to the declaration of war by that country against Great Britain. The treaty by which the Indians placed themselves under the protection of the United States, is now abrogated, and the American government cannot be entitled to claim, as a right, the renewal of an article in a treaty, which has no longer any existence. The Indian nations are therefore no longer to be considered as under the protection of the United States, (whatever may be the import of that term) and it can only be on the ground that they are regarded as subjects, that the American plenipotentiaries can be authorized to deny the right of Great Britain to interfere on their behalf in the negotiation for peace. To any such claim, it is repeated, that the treaties concluded with them, and particularly that of Greenville, are in direct opposition.

It is not necessary to recur to the manner in which the territory of the United States was at first settled, in order to decide, whether the Indian nations, the original inhabitants of America, shall have some spot assigned to them, where they may be permitted to live in tranquillity; nor

whether their tranquillity can be secured without preventing an uninterrupted system of encroachment upon them under the pretence of purchases.

If the American plenipotentiaries are authorized peremptorily to deny the right of the British government to interfere with the pacification of the Indian nations, and for that reason refuse all negotiation on the subject, the undersigned are at a loss to understand, upon what principle it was, that at the conference of the 9th ultimo, the American plenipotentiaries invited discussion on the subject, and added, that it was not possible for them to decide without discussion, whether an article could be framed which should be mutually satisfactory, and to which they should think themselves, under their discretionary powers, warranted in acceding.

The undersigned must further observe, that if the American government has not furnished their plenipotentiaries with any instructions since January last, when the general pacification of Europe could not have been immediately in contemplation, this subsequent silence, after an event so calculated (even in the view which the American plenipotentiaries have taken of it, in their note of the 24th ult.) to influence the negotiation, is, to say the least, no proof of a sincere desire to bring it to a favourable conclusion. The British government has entered into the negotiation with an anxious wish to effect an amicable arrangement. After convulsions unexampled in their nature, extent and duration, the civilized world has need of repose. To obtain this in Europe, Great Britain has made considerable sacrifices. To complete the work of general pacification, it is her earnest wish to establish a peace with the United States, and in her endeavours to accomplish this object, to manifest the same principles of moderation and forbearance; but it is utterly inconsistent with her practice and her principles ever to abandon in her negotiations for peace those who have co-operated with her in war.

The undersigned, therefore, repeat that the British government is willing to sign a treaty of peace with the United States on terms honourable to both parties. It has

not offered any terms which the United States can justly represent as derogatory to their power, nor can it be induced to accede to any which are injurious to its own. It is on this ground that the undersigned are authorized distinctly to declare, that they are instructed not to sign a treaty of peace with the plenipotentiaries of the United States, unless the Indian nations are included in it, and restored to all the rights, privileges and territories which they enjoyed in the year 1811, previous to the commencement of the war, by virtue of the treaty of Greenville, and the treaties subsequently concluded between them and the United States. From this point the British plenipotentiaries cannot depart.

They are further instructed to offer for discussion an article by which the contracting parties shall reciprocally bind themselves, according to boundaries to be agreed upon, not to purchase the lands occupied by the Indians within their respective lines of demarcation. By making this engagement subject to revision at the expiration of a given period, it is hoped that the objection to the establishment of a boundary beyond which the settlements of the United States should be for ever excluded, may be effectually obviated.

The undersigned have never stated that the exclusive military possession of the Lakes, however conducive they are satisfied it would be to a good understanding between the two countries, without endangering the security of the United States, was to be considered as a *sine qua non* in the negotiation. Whenever the question relative to the pacification of the Indian nations (which, subject to the explanations already given, is a *sine qua non*,) shall be adjusted, the undersigned will be authorized to make a final disposition on the subject of Canadian boundaries, so entirely founded on principles of moderation and justice, that they feel confident it cannot be rejected. This proposition will be distinctly stated by the undersigned, upon receiving an assurance from the American plenipotentiaries that they consider themselves authorized to conclude a provisional article on the subject, and upon their previously

consenting to include the Indian nations in the treaty, in the manner above described.

The undersigned avail themselves of this opportunity of renewing to the American plenipotentiaries, the assurance of their high consideration.

(Signed) GAMBIER,
HENRY GOULBURN,
WM. ADAMS.

The American to the British Commissioners. Ghent, September 26, 1814.

IN replying to the note which the undersigned have had the honour of receiving from his Britannic majesty's plenipotentiaries, dated on the 19th inst. they are happy to concur with them in the sentiment of avoiding unnecessary discussions, especially such as may have a tendency to create irritation. They had hoped that, in the same spirit, the British plenipotentiaries would not have thought allusions again necessary to transactions foreign to this negotiation, relating to the United States, and other independent nations, and not suitable for discussion between the United States and Great Britain. The observation made with respect to Louisiana is the more extraordinary, as the cession of that province to the United States was, at the time, communicated to the British government, who expressed their entire satisfaction with it, and as it has subsequently received the solemn sanction of Spain herself. The undersigned will further say, that whenever the transactions of the United States, in relation to the boundaries of Louisiana and Florida, shall be a proper subject of discussion, they will be found not only susceptible of complete justification, but will demonstrate the moderation and forbearance of the American government, and their undeviating respect for the rights of their neighbours.

The undersigned are far from assuming the exclusive right to decide, what is, or is not, a subject of uncertainty and dispute, with regard to the boundary of the district of Maine. But until the British plenipotentiaries shall have shown in what respect the part of that boundary which

would be affected by their proposal, is such a subject, the undersigned may be permitted to assert that it is not.

The treaty of 1783 described the boundary as "a line to be drawn along the middle of the river St. Croix, from its mouth, in the bay of Fundy, to its source, and from its source directly north to the highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence, and thence along the said highlands to the northwesternmost head of Connecticut river."

Doubts having arisen as to the St. Croix designated in the treaty of 1783, a provision was made by that of 1794 for ascertaining it; and it may be fairly inferred, from the limitation of the article to that sole object, that, even in the judgment of Great Britain, no other subject of controversy existed in relation to the extension of the boundary line from the source of that river. That river and its source having been accordingly ascertained, the undersigned are prepared to propose the appointment of commissioners by the two governments, to extend the line to the highlands, conformably to the treaty of 1783. The proposal, however, of the British plenipotentiaries was not to ascertain, but to vary those lines in such manner as to secure a direct communication between Quebec and Halifax; an alteration which could not be effected, without a cession by the United States to Great Britain of all that portion of the state of Massachusetts intervening between the province of New Brunswick and Quebec, although unquestionably included within the boundary lines fixed by that treaty. Whether it was contemplated on the part of Great Britain to obtain the cession, with or without an equivalent in frontier or otherwise, the undersigned, in stating that they were not instructed or authorized to treat on the subject of cession, have not declined to discuss any matter of uncertainty or dispute which the British plenipotentiaries may point out to exist, respecting the boundaries in that, or in any other quarter, and are, therefore, not liable to the imputation of having rendered their powers on the subject nugatory, or inadmissibly partial in their operation.

The British plenipotentiaries consider the undersigned as having declared, "that the United States will admit of no line of boundary between their territory and that of the Indian nations, because the national growth and population of the United States would be thereby arrested." The undersigned, on the contrary, expressly stated in their last note, "that the lands inhabited by the Indians were secured to them by boundaries, defined in amicable treaties between them and the United States:" but they did refuse to assign, in a treaty of peace with Great Britain, a definitive and permanent boundary to the Indians, living within the limits of the United States. On this subject, the undersigned have no hesitation in avowing, that the United States, while intending never to acquire lands from the Indians, otherwise than peaceably, and with their free consent, are fully determined in that manner, progressively, and in proportion as their growing population may require, to reclaim from the state of nature, and to bring into cultivation every portion of the territory contained within their acknowledged boundaries. In thus providing for the support of millions of civilized beings, they will not violate any dictate of justice or of humanity, for they will not only give to the few thousand savages, scattered over that territory, an ample equivalent for any right they may surrender, but will always leave them the possession of lands more than they can cultivate, and more than adequate to their subsistence, comfort, and enjoyment, by cultivation.

If this be a spirit of aggrandizement, the undersigned are prepared to admit, in that sense, its existence; but they must deny that it affords the slightest proof of an intention not to respect the boundaries between them and European nations, or of a desire to encroach upon the territories of Great Britain. If, in the progress of their increasing population, the American people must grow in strength proportioned to their numbers, the undersigned will hope that Great Britain, far from repining at the prospect, will contemplate it with satisfaction. They will not suppose that that government will avow, as the basis

of their policy towards the United States, the system of arresting their natural growth, within their own territories, for the sake of preserving a perpetual desert for savages. If Great Britain has made sacrifices to give repose to the civilized world in Europe, no sacrifice is required from her by the United States to complete the work of general pacification. This negotiation at least evinces, on their part, no disposition to claim any other right, than that of preserving their independence entire, and of governing their own territories without foreign interference.

Of the two proclamations, purported copies of which the British plenipotentiaries have thought proper to enclose with their last note, the undersigned might content themselves with remarking, that neither of them is the act of the American government. They are enabled however to add, with perfect confidence, that neither of them was authorized or approved by the government. The undersigned are not disposed to consider as the act of the British government, the proclamation of admiral Cochrane, herewith enclosed, exciting a portion of the population of the United States, under the promise of military employment or of free settlement in the West Indies, to treachery and rebellion. The undersigned very sincerely regret to be obliged to say, that an irresistible mass of evidence consisting principally of the correspondence of British officers and agents, part only of which has already been published in America, establishes beyond all rational doubt, the fact, that a constant system of excitement to those hostilities was pursued by the British traders and agents, who had access to the Indians, not only without being discountenanced, but with frequent encouragement by the British authorities; and that if they ever dissuaded the Indians from commencing hostilities, it was only by urging them, as in prudence, to suspend their attacks until Great Britain could recognise them as her allies in the war.

When, in the conference of the 9th ultimo, the undersigned invited discussion upon the proposal of Indian pacification and boundary, as well as upon all the subjects presented by the British plenipotentiaries for discussion,

they expressly stated their motives to be, 1st. To ascertain by discussion, whether an article on the subject could be formed to which they could subscribe, and which would be satisfactory to the British plenipotentiaries; and 2dly. That if no such article could be formed, the American government might be informed of the views of Great Britain upon that point, and the British government of the objections on the part of the United States, to any such arrangement. The undersigned have, in fact, already proposed no less than three articles on the subject, all of which they view as better calculated to secure peace and tranquillity to the Indians, than any of the proposals for that purpose, made by the British plenipotentiaries.

The undersigned had repeated their assurances to the British plenipotentiaries, that peace, so far as it depended on the United States, would immediately follow a peace with Great Britain, and added, that the Indians would thereby be reinstated in the same situation in which they stood before the commencement of hostilities. The British plenipotentiaries insist, in their last note, that the Indian nations shall be included in the treaty of peace between Great Britain and the United States, and be restored to all the rights, privileges, and territories which they enjoyed in the year 1811, previous to their commencement of the war, by virtue of the treaty of Greenville, and the treaties subsequently concluded between them and the United States. Setting aside the subject of boundary, which is presented as for discussion only, there is no apparent difference with respect to the object in view; the pacification and tranquillity of the Indians, and placing them in the same situation in which they stood before the war, all which will be equally obtained in the manner proposed by the undersigned, and the only point of real difference is, the British plenipotentiaries insist that it should be done by including the Indians, as allies of Great Britain, in the treaty of peace between her and the United States.

The United States cannot consent that Indians residing within their boundaries, as acknowledged by Great Bri-

tain, shall be included in the treaty of peace, in any manner which will recognise them as independent nations, whom Great Britain, having obtained this recognition, would hereafter have the right to consider, in every respect, as such. Thus to recognise those Indians as independent and sovereign nations, would take from the United States, and transfer to those Indians, all the rights of soil and sovereignty over the territory which they inhabit; and this being accomplished through the agency of Great Britain, would place them effectually and exclusively under her protection, instead of being, as heretofore, under that of the United States. It is not perceived in what respect such a provision would differ from an absolute cession by the United States of the extensive territory in question.

The British plenipotentiaries have repeated the assertion, that the treaty by which the Indians placed themselves under the protection of the United States, was abrogated by the war; and thence infer, that they are no longer to be considered as under the protection of the United States, whatever may be the import of the term; and that the right of Great Britain to interfere in their behalf in the negotiation of peace, can only be denied on the ground that they are regarded as subjects. In point of fact, several of the tribes, parties to the treaty of Greenville, have constantly been, and still are, at peace with the United States. Whether that treaty be or be not abrogated, is a question not necessary to be now discussed. The right of the United States to the protection of the Indians within their boundaries, was not acquired by that treaty; it was a necessary consequence of the sovereignty and independence of the United States. Previous to that time the Indians living within the same territory, were under the protection of his Britannic majesty, as its sovereign. The undersigned may refer the British plenipotentiaries to all the acts of their own government, relative to the subject, for proof, that it has always considered this right of protection as one of the rights of sovereignty, which it needed no Indian treaty to confer, and which the abrogation of no Indian treaty could divest. They will particu-

larly bring to their recollection, that when a similar proposition was made of considering Indian tribes as independent nations, to serve as a barrier between the French and English territories, was made by France to England, it was immediately rejected, by a minister to whom the British nation is accustomed to look back with veneration, and rejected on the express ground, that the king would not renounce his right of protection over the Indians within his dominions. But whatever the relation of the Indians to the United States may be, and whether under their protection or not, Great Britain having by the treaty of 1783, recognised the sovereignty of the United States, and agreed to certain limits as their boundaries, has no right to consider any persons or communities, whether Indians or others, residing within those boundaries, as nations independent of the United States.

The United States claim, of right, with respect to all European nations, and particularly with respect to Great-Britain, the entire sovereignty over the whole territory, and all the persons embraced within the boundaries of their dominions. Great Britain has no right to take cognizance of the relations subsisting between the several communities or persons living therein. They form as to her, only parts of the dominions of the United States, and it is altogether immaterial, whether, or how far, under their political institutions and policy, these communities or persons are independent states, allies, or subjects. With respect to her and all other foreign nations, they are parts of a whole, of which the United States are the sole and absolute sovereigns.

The allegation of the British plenipotentiaries, that it is inconsistent with the practice or principles of Great Britain to abandon, in her negotiations for peace, those who have co-operated with her in war, is not applicable to the Indians, but on the erroneous assumption of their independence, which, so far as she is concerned, has been fully disproved. And although no power from these tribes to the British government, to treat in their behalf, would, for the same reason be admitted by the undersigned, they

may nevertheless observe, that the British plenipotentiaries having produced no such powers, having no authority to bind the Indians, to engage for their assent to the pacification, or to secure the continuance of peace on their part whilst speaking of them as allies, do really propose to treat for them, not as if they were independent nations, but as if they were the subjects of Great Britain.

The undersigned so far from asking that, in relation to the Indians, Great Britain should pursue a course inconsistent with her former practice and principles, only desire that she would follow her own example respecting them, in her former treaties with other European nations, and with the United States. No provision for the Indians is found in the treaty of 1763, by which France ceded Canada to Great Britain, although almost all the Indians living within the territory ceded, or acknowledged to belong to Great Britain, had taken part with France in the war. No such provision was inserted in the treaty of peace of 1783, between Great Britain and the United States, although almost all the Indian tribes living within the territory recognised by the treaty to belong to the United States, had, during the war, co-operated with Great Britain, and might have been considered as her allies more justly than on the present occasion. So far as concerns the relations between Great Britain and the United States, these Indians can be treated for only on the principles by which amnesties are stipulated in favour of disaffected persons, who, in times of war and invasion, co-operate with the enemy of the nation to which they belong. To go as far as possible in securing the benefit of the peace to the Indians, now the only object professed by the British government in their present *sine qua non*, the undersigned offer a stipulation in general terms, that no person or persons, whether subjects, citizens, or Indians, residing within the dominions of either party, shall be molested or annoyed, either in their persons or their property, for any part they may have taken in the war between the United States and Great Britain; but shall retain all the rights, privileges, and possessions, which they respectively had at the

commencement of the war; they, on their part, demeaning themselves peaceably, and conformably to their duties to the respective governments. This the undersigned have no doubt will effectually secure to the Indians peace, if they themselves will observe it, and they will not suppose that Great Britain would wish them included in the peace, but upon that condition.

The undersigned have never intimated that their government had not furnished them with any instructions since January last. On the contrary, they distinctly told the British plenipotentiaries, in conference, though it appears to have escaped their recollection, that instructions had been received by the undersigned, dated at the close of the month of June. The undersigned will now add, that those instructions were drawn with a full knowledge of the general pacification in Europe, and with so liberal a consideration of its necessary bearing upon all the differences that had been until then subsisting between Great Britain and the United States, that the undersigned cannot doubt that peace would long since have been concluded, had not an insuperable bar against it been raised by the new and unprecedented demands of the British government.

With respect to the proposition which the British plenipotentiaries inform them they will be prepared to make, in relation to the Canadian boundaries, which appears to them so entirely founded on principles of moderation and justice, but the nature of which, they think proper at present to withhold, the undersigned can only pledge themselves to meet any proposition from the British plenipotentiaries, characterized by moderation and justice, not only with a perfect reciprocity of those sentiments, but with a sincere and earnest desire to contribute to the restoration of peace, by every compliance with the wishes of Great Britain, compatible with their duty to their country.

The undersigned have the honour, &c.

(Signed)

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
ALBERT GALLATIN.

*The British to the American Commissioners. Ghent, Oct.
8, 1814.*

THE undersigned have the honour to acknowledge the receipt of the note of the plenipotentiaries of the United States, dated on the 26th ult.

As the continuance of the negotiation exclusively depends upon the question relating to the pacification and rights of the Indian nations, the undersigned are unwilling to extend their observations to the other subjects brought forward in the note of the American plenipotentiaries, further than may be required for necessary explanation.

In adverting for this purpose to the acquisition of Louisiana, the undersigned must observe, that the instrument by which the consent of his catholic majesty is alleged to have been given to the cession of it, has never been made publick. His catholic majesty was no party to the treaty by which the cession was made, and if any sanction has been subsequently obtained from him, it must have been, like other cotemporaneous acts of that monarch, involuntary, and as such cannot alter the character of the transaction. The marquis of Yrujo, the minister of his catholic majesty at Washington, in a letter addressed to the President of the United States, formally protested against the cession, and the right of France to make it. Yet in the face of this protestation, so strongly evincing the decided opinion of Spain as to the illegality of the proceeding, the President of the United States ratified the treaty. Can it be contended that the annexation of Louisiana, under such circumstances, did not mark a spirit of territorial aggrandizement?

His Britannic majesty did certainly express satisfaction when the American government communicated the event, that Louisiana, a valuable colony in the possession of France, with whom the war had just been renewed, instead of remaining in the hands of his enemy, had been ceded to the United States, at that time professing the most friendly disposition towards Great Britain, and an intention of providing for her interest in the acquisition. But the

conditions under which France had acquired Louisiana from Spain, were not communicated; the refusal of Spain to consent to its alienation was not known; the protest of her ambassador had not been made; and many other circumstances attending the transaction, on which it is now unnecessary to dilate, were, as there is good reason to believe, industriously concealed.

The proof of a spirit of aggrandizement, which the undersigned had deduced from the hostile seizure of a great part of the Floridas, under the most frivolous pretences, remains unrefuted; and the undersigned are convinced that the occasion and circumstances under which that unwarrantable act of aggression took place, have given rise throughout Europe to but one sentiment as to the character of the transaction.

After the previous communication which the undersigned have had the honour of receiving from the American plenipotentiaries, they could not but feel much surprise at the information contained in their last note of their having received instructions dated subsequently to January, 1814. The undersigned have no recollection whatever of the American plenipotentiaries having communicated to them, either collectively or individually, at a conference or otherwise, the receipt of instructions from the government of the United States, dated at the close of the month of June, and they must remind the American plenipotentiaries, that their note of the 9th ult. distinctly stated, that the instructions of January, 1814, were those under which they were acting. If, therefore, the American plenipotentiaries received instructions drawn up at the close of the month of June, with a liberal consideration of the late events in Europe, the undersigned have a right to complain that while the American government justly considered those events as having a necessary bearing on the existing differences between the two countries, the American plenipotentiaries should, nevertheless, have preferred acting under instructions which, from their date, must have been framed without the contemplation of such events.

The British government never required that all that

portion of the state of Massachusetts intervening between the province of New Brunswick and Quebec, should be ceded to Great Britain, but only that small portion of unsettled country which interrupts the communication between Halifax and Quebec, there being much doubt whether it does not already belong to Great Britain.

The undersigned are at a loss to understand how vice-admiral Cochrane's proclamation illustrates any topic connected with the present negotiation, or bears upon the conclusion which they contended was to be drawn from the two proclamations of the American generals. These proclamations distinctly avowing the intention of the American government permanently to annex the Canadas to the United States, were adduced not as matter of complaint, but simply for the purpose of proving what had been denied as a fact, viz. that such had been the declared intention of the American government.

The undersigned observe that although the American plenipotentiaries have taken upon themselves generally to deny that the proclamations were authorized or approved by their government, without stating in what mode that disapprobation was expressed, yet they avoid stating that the part of those proclamations containing the declaration in question had not been so authorized or approved. It is indeed impossible to imagine that if the American government had intimated any disapprobation of that part of general Hull's proclamation, the same declaration would have been as confidently repeated four months after by general Smyth.

His majesty's government have other and ample means of knowing that the conquest of the Canadas, and their annexation to the United States, was the object and policy of the American government. For the present the undersigned will content themselves with referring to the remonstrance of the legislature of Massachusetts in June, 1813, in which this intention is announced as matter of notoriety.

The undersigned deny that the American government had proved, or can prove, that previous to the declaration

of war by the United States, persons authorized by the British government, endeavoured to excite the Indian nations against the United States, or that endeavours of that kind, if made by private persons, (which the undersigned have no reason to believe,) ever received the countenance of his majesty's government.

The American plenipotentiaries have not denied that the Indian nations had been engaged in war with the United States, before the war with Great Britain had commenced, and they have reluctantly confessed that so far from his majesty having induced the Indian nations to begin the war, as charged against Great Britain, in the notes of the 24th August and 9th ult. the British government actually exerted their endeavours to dissuade the Indian nations from commencing it.

As to the unworthy motive assigned by the American plenipotentiaries to this interference so amicably made on the part of Great Britain, its utter improbability is sufficiently apparent from considering by which party the war was declared. The undersigned, therefore, can only consider it as an additional indication of that hostile disposition which has led to the present unhappy war between the two countries. So long as that disposition continues, it cannot but render any effort on the part of Great Britain to terminate this contest utterly unavailing.

The American plenipotentiaries appear unprepared to state the precise ground upon which they resist the right of his majesty to negotiate with the United States on behalf of the Indian nations, whose co-operation in the war his majesty has found it expedient to accept.

The treaty of Greenville, to the words, stipulations, and spirit of which the undersigned have so frequently appealed, and all the treaties previously and subsequently made, between the United States and the Indian nations, show, beyond the possibility of doubt, that the United States have been in the habit of treating with these tribes as independent nations, capable of maintaining the relations of peace and war, and exercising territorial rights.

If this be so, it will be difficult to point out the peculiar

circumstances in the condition of these nations, which should either exclude them from a treaty of general pacification, or prevent Great Britain, with whom they have co-operated as allies in the war, from proposing stipulations in their behalf at the peace. Unless the American plenipotentiaries are prepared to maintain what they have in effect advanced, that although the Indian nations may be independent in their relations with the United States, yet the circumstance of living within the boundary of the United States disables them from forming such conditions of alliance with a foreign power, as shall entitle that power to negotiate for them in a treaty of peace.

The principle upon which this proposition is founded, was advanced, but successfully resisted, so far back as the treaty of Munster. An attempt was then made to preclude France from negotiating in behalf of certain states and cities in Germany, who had co-operated with her in the war, because, although those states and cities might be considered as independent for certain purposes, yet being within the boundary of the German empire, they ought not to be allowed to become parties in the general pacification with the emperor of Germany, nor ought France to be permitted in that negotiation to mix their rights and interests with her own.

The American plenipotentiaries, probably aware that the notion of such a qualified independence, for certain purposes, and not for others, could not be maintained, either by argument or precedent, have been compelled to advance the novel and alarming pretension, that all the Indian nations, living within the boundary of the United States, must, in effect, be considered as their subjects, and consequently, if engaged in war against the United States, become liable to be treated as rebels, or disaffected persons. They have further stated, that all the territory which these Indian nations occupy, is at the disposal of the United States; that the United States have a right to dispossess them of it; to exercise that right, whenever their policy or interest may seem to them to require it; and to confine them to such spots as may be selected, not by the

Indian nations, but by the American government. Pretensions such as these Great Britain can never recognise: however reluctant his royal highness the prince regent may be to continue the war, that evil must be preferred, if peace can only be obtained on such conditions.

To support those pretensions, and at the same time to show, that the present conduct of Great Britain is inconsistent with her former practice and principles, the American plenipotentiaries have referred to the treaty of peace of 1783, to that of 1763, and to the negotiations of 1761, during the administration of a minister, whom the American plenipotentiaries have stated, and truly stated, to be high in the estimation of his country.

The omission to provide in the treaty of 1783, for the pacification of the Indian nations, which were to be included within the proposed boundary of the United States, cannot preclude Great Britain from now negotiating in behalf of such tribes or nations, unless it be assumed, that the occasional non-exercise of a right is an abandonment of it. Nor can the right of protection, which the American plenipotentiaries have failed in showing to have been ever claimed by Great Britain, as incident to sovereignty, have been transferred by Great Britain to the United States, by a treaty, to which the Indian nations were not parties.

In the peace of 1763, it was not necessary for Great Britain to treat for the pacification of the Indian nations, and the maintenance of their rights and privileges, because there had been no Indian nations living without the British boundaries, who had co-operated with Great Britain, in the war against France.

With respect to the negotiations of 1761, between Great Britain and France, on which the American plenipotentiaries more particularly rely, they appear, in the judgment of the undersigned, to have much misunderstood the whole course of that negotiation.

It is very true that the French government brought forward, at one period of the negotiation, a proposition, by which a certain territory, lying between the dominions of

the two contracting parties, was to have been allotted to the Indian nations. But it does not appear that this formed a part of their ultimatum, and it is clear, that Mr. Pitt, in his answer, did not object to the proposition. He objected, indeed, to the proposed line of demarcation between the countries belonging to the two contracting parties, upon two grounds: first, that the proposed northern line would have given to France, what the French themselves had acknowledged to be part of Canada, the whole of which, as enjoyed by his most Christian majesty, it had been stipulated, was to be ceded entirely to Great Britain: secondly; that the southern part of the proposed line of demarcation would have included within the boundary of Louisiana, the Cherokees, the Creeks, the Chickasaws, the Choctaws, and another nation, who occupied territories which had never been included within the boundaries of that settlement. So far was Mr. Pitt from rejecting, as alleged by the American plenipotentiaries, the proposition of considering Indian nations as a barrier, that at one period of the negotiation he complained that there was no provision for such a barrier; and he thus energetically urges his objections, in his letter to Mr. Stanley, the British plenipotentiary at Paris, dated on the 26th June, 1761: "As to the fixation of new limits to Canada towards the Ohio, it is captious and insidious, thrown out in hope, if agreed to, to shorten thereby the extent of Canada, and to lengthen the boundaries of Louisiana, and in the view to establish, what must not be admitted, namely, that all which is not Canada, is Louisiana, whereby all the intermediate nations and countries, the true barrier to each province, would be given up to France."

The undersigned confidently expect, that the American plenipotentiaries will not again reproach the British government with acting inconsistently with its former practice and principles, or repeat the assertion made in a former note, that a definition of Indian boundary, with a view to a neutral barrier, was a new and unprecedented demand by any European power, and most of all by Great Britain; the very instance selected by the American plenipotentia-

ries, undeniably proves that such a proposition had been entertained both by Great Britain and France, and that Mr. Pitt, on the part of Great Britain, had more particularly enforced it.

It remains only to notice two objections which the American plenipotentiaries have urged against the proposal of Indian pacification, advanced by the undersigned : first ; that it is not reciprocal : secondly ; that as the United States could have no security that the Indian nations would conclude a peace on the terms proposed, the objection would be in effect unilateral.

The article now proposed by the undersigned, and herewith enclosed, is free from both objections, and appears to them so characterized by a spirit of moderation and peace, that they earnestly anticipate the concurrence of the American plenipotentiaries.

In making a last effort in this stage of the war, the undersigned are not apprehensive that the motives which have influenced his royal highness the prince regent to direct a renewal of the proposition, with its present modifications, can be misunderstood or misrepresented.

Whatever may be the result of the proposition thus offered, the undersigned deliver it as their ultimatum, and now await with anxiety the answer of the American plenipotentiaries, on which their continuance in this place will depend.

The undersigned avail themselves of this opportunity of renewing to the American plenipotentiaries, the assurance of their high consideration.

(Signed)

GAMBIER,

HENRY GOULBURN,

WILLIAM ADAMS.

THE United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war, at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which

they may have enjoyed or been entitled to in 1811, previous to such hostilities : provided always, that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

And his Britannic majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war, at the time of such ratification, and forthwith to restore to such tribes or nations respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities : provided always, that such tribes or nations shall agree to desist from all hostilities against his Britannic majesty and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

*The American to the British Commissioners. Ghent, Oct.
13, 1814.*

THE undersigned have the honour to acknowledge the receipt of the note of the plenipotentiaries of his Britannic majesty, dated on the 8th inst.

Satisfied of the impossibility of persuading the world that the government of the United States was liable to any well grounded imputation of a spirit of conquest, or of injustice towards other nations, the undersigned, in affording explanations on several of the topicks adverted to by the British plenipotentiaries during this negotiation, were actuated by the sole motive of removing erroneous impressions.

Still influenced by the same motive, they will now add, that, at the time when the Spanish minister was remonstrating at Washington against the transfer of Louisiana, orders were given by his government for its delivery to France ; that it was, in fact, delivered a short time after that remonstrance ; and that if the treaty by which the

United States acquired it had not been ratified; it would have become, of course, a French colony. The undersigned believe that the evidence of the assent of Spain to that transfer has been promulgated. They neither admit the alleged disability of the Spanish monarch, nor the inference which the British plenipotentiaries would seem to deduce from it; on the contrary, the assent was voluntarily given in the year 1804, by the same king who, about the same time, ceded Trinidad to Great Britain, and prior to the time when he was again engaged in war with her. The cession by France was immediately communicated to Great Britain, no circumstance affecting it, and then within the knowledge of the United States, being intentionally concealed from her. She expressed her satisfaction with it; and if in any possible state of the case she would have had a right to question the transaction, it does not appear to the undersigned that she is now authorized to do so.

After stating generally, that the proclamations of generals Hull and Smyth were neither authorized nor approved by their government, the undersigned could not have expected that the British plenipotentiaries would suppose that their statement did not embrace the only part of the proclamations which was a subject of consideration.

The undersigned had, indeed, hoped that, by stating in their note of the 9th ultimo, that the government of the United States, from the commencement of the war, had been disposed to make peace without obtaining any cession of territory, and by referring to their knowledge of that disposition, and to instructions accordingly given from July, 1812, to January, 1814, they would effectually remove the impression that the annexation of Canada to the United States was the declared object of their government. Not only have the undersigned been disappointed in this expectation, but the only inference which the British plenipotentiaries have thought proper to draw from this explicit statement, has been, that either the American government, by not giving instructions subsequent to the pacification of Europe, or the undersigned, by not acting under such instructions, gave no proof of a sincere desire

to bring the present negotiations to a favourable conclusion. The undersigned did not allude, in reference to the alleged intention to annex Canada to the United States, to any instructions given by their government subsequently to January last, because, asking at this time for no accession of territory, it was only of its previous disposition that it appeared necessary to produce any proof. So erroneous was the inference drawn by the British plenipotentiaries, in both respects, that it was in virtue of the instructions of June last, that the undersigned were enabled, in their note of the 24th of August, to state, that the causes of the war between the United States and Great Britain, having disappeared, by the maritime pacification of Europe, they had been authorized to agree to its termination upon a mutual restoration of territory, and without making the conclusion of peace to depend on a successful arrangement of those points on which differences had existed.

Considering the present state of the negotiation, the undersigned will abstain, at this time, from adducing any evidence or remarks upon the influence which has been exerted over the Indian tribes inhabiting the territories of the United States, and the nature of those excitements which have been employed by British traders and agents.

The arguments and facts already brought forward by the undersigned, respecting the political condition of those tribes, render it unnecessary for them to make many observations on those of the British plenipotentiaries on that subject. The treaties of 1763 and 1783, were those principally alluded to by the undersigned, to illustrate the practice of Great Britain. She did not admit in the first, nor require in the last, any stipulations respecting the Indians who, in one case, had been her enemies, and, in the other, her allies, and who, in both instances, fell by the peace within the dominions of that power against whom they had been engaged in the preceding war.

The negotiation of 1761 was quoted for the purpose of proving, what appears to be fully established by the answer of England to the ultimatum of France, delivered on the 1st of September, of that year, that his Britannic majesty

would not renounce his right of protection over the Indian nations reputed to be within his dominions, that is to say, between the British settlements and the Mississippi. Mr. Pitt's letter, cited by the British plenipotentiaries, far from contradicting that position, goes still further. It states that "the fixation of the new limits to Canada, as proposed by France, is intended to shorten the extent of Canada, which was to be ceded to England, and to lengthen the boundaries of Louisiana, which France was to keep, and in the view to establish what must be not admitted, namely, that all which is not Canada is Louisiana, whereby all the intermediate nations and countries, the true barrier to each province, would be given up to France." This is precisely the principle uniformly supported by the undersigned, to wit: that the recognition of a boundary gives up to the nation, in whose behalf it is made, all the Indian tribes and countries within that boundary. It was on this principle that the undersigned have confidently relied on the treaty of 1783, which fixes and recognises the boundary of the United States, without making any reservation respecting Indian tribes.

But the British plenipotentiaries, unable to produce a solitary precedent of one European power treating for the savages inhabiting within the dominions of another, have been compelled, in support of their principle, to refer to the German empire, a body consisting of several independent states, recognised as such by the whole world, and separately maintaining with foreign powers the relations belonging to such a condition. Can it be necessary to prove that there is no sort of analogy between the political situation of these civilized communities, and that of the wandering tribes of North American savages?

In referring to what the British plenipotentiaries represent as alarming and novel pretensions, what Great Britain can never recognise, the undersigned might complain that these alleged pretensions have not been stated, either in terms or in substance, as expressed by themselves. This, however, is the less material, as any further recognition of them by Great Britain is not necessary nor required. On

the other hand, they can never admit nor recognise the principles or pretensions asserted in the course of this correspondence by the British plenipotentiaries; and which, to them, appears novel and alarming.

The article proposed by the British plenipotentiaries, in their last note, not including the Indian tribes as parties in the peace, and leaving the United States free to effect its object in the mode consonant with the relations which they have constantly maintained with those tribes, partaking also of the nature of an amnesty, and being at the same time reciprocal, is not liable to that objection; and accords with the views uniformly professed by the undersigned, of placing these tribes precisely, and in every respect, in the same situation as that in which they stood before the commencement of hostilities. This article, thus proposing only what the undersigned have so often assured the British plenipotentiaries would necessarily follow, if indeed it has not already, as is highly probable, preceded a peace between Great Britain and the United States. The undersigned agree to admit it, in substance, as a provisional article, subject, in the manner originally proposed by the British government, to the approbation or rejection of the government of the United States, which, having given no instructions to the undersigned on this point, cannot be bound by any article they may admit on the subject.

It will, of course, be understood, that if, unhappily, peace should not be the result of the present negotiation, the article thus conditionally agreed to shall be of no effect, and shall not, in any future negotiation, be brought forward by either party, by way of argument or precedent.

This article having been presented as an indispensable preliminary, and being now accepted, the undersigned request the British plenipotentiaries to communicate to them the project of a treaty, embracing all the points deemed material by Great Britain; the undersigned engaging on their part to deliver, immediately after, a counter project with respect to all the articles to which they may not agree, and on the subjects deemed material by the

United States, and which may be omitted in the British project.

(Signed) J. QUINCY ADAMS,
JAS. A. BAYARD,
HENRY CLAY,
JONA. RUSSELL,
ALBERT GALLATIN.

*The British to the American Commissioners. Ghent, Oct.
21, 1814.*

THE undersigned have had the honour of receiving the note of the American plenipotentiaries of the 13th instant, communicating their acceptance of the article which the undersigned had proposed on the subject of the pacification and rights of the Indian nations.

The undersigned are happy in being thus relieved from the necessity of recurring to several topics which, though they arose in the course of their discussions, have only an incidental connection with the differences remaining to be adjusted between the two countries.

With a view to this adjustment, the undersigned, preferring, in the present state of the negotiation, a general statement, to the formal arrangement of articles, are willing so far to comply with the request of the American plenipotentiaries, contained in their last note, as to wave the advantage to which they think they were fairly entitled, of requiring from them the first project of a treaty.

The undersigned having stated, at the first conference, the points upon which his majesty's government considered the discussions between the two countries as likely to turn, cannot better satisfy the request of the American plenipotentiaries, than by referring them to that conference for a statement of the points which, in the opinion of his majesty's government, yet remain to be adjusted.

With respect to the forcible seizure of mariners from on board merchant vessels, on the high seas, and the right of the king of Great Britain to the allegiance of all his native subjects, and with respect to the maritime rights of the British empire, the undersigned conceive, that after the pretensions asserted by the government of the United

States, a more satisfactory proof of the conciliatory spirit of his majesty's government cannot be given, than by not requiring any stipulation on those subjects, which, though most important in themselves, no longer, in consequence of the maritime pacification of Europe, produce the same practical results.

On the subject of the fisheries, the undersigned expressed with so much frankness, at the conference already referred to, the views of their government, that they consider any further observations on that topick as unnecessary at the present time.

On the question of the boundary between the dominions of his majesty, and those of the United States, the undersigned are led to expect, from the discussion which this subject has already undergone, that the north western boundary, from the lake of the Woods to the Mississippi (the intended arrangement of 1803,) will be admitted without objection.

In regard to other boundaries, the American plenipotentiaries, in their note of August 24, appeared in some measure to object to the propositions then made by the undersigned, as not being on the basis of *uti possidetis*. The undersigned are willing to treat on that basis, subject to such modifications as mutual convenience may be found to require; and they trust that the American plenipotentiaries will show, by their ready acceptance of this basis, that they duly appreciate the moderation of his majesty's government, in so far consulting the honour and fair pretensions of the United States, as, in the relative situation of the two countries, to authorize such a proposition.

The undersigned avail themselves of this opportunity, to renew to the American plenipotentiaries the assurance of their high consideration.

(Signed) *Henry Goulburn* GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

The American to the British Commissioners. Ghent, October 24, 1814.

THE undersigned have the honour to acknowledge the receipt of the note of the British plenipotentiaries of the 21st instant.

Amongst the general observations which the undersigned, in their note of August 24th, made on the propositions then brought forward on the part of the British government, they remarked that those propositions were founded neither on the basis of *uti possidetis*, nor on that of *status ante bellum*. But so far were they from suggesting the *uti possidetis* as the basis on which they were disposed to treat, that in the same note they expressly stated, that they had been instructed to conclude a peace, on the principle of both parties restoring whatever territory they might have taken. The undersigned also declared in that note, that they had no authority to cede any part of the territory of the United States, and that to no stipulation to that effect would they subscribe: and in the note of the 9th September, after having shown that the basis of *uti possidetis*, such as it was known to exist at the commencement of the negotiation, gave no claim to his Britannic majesty to cessions of territory, founded upon the right of conquest, they added, that even if the chances of war should give to the British arms a momentary possession of other parts of the territory of the United States, such events would not alter their views, with regard to the terms of peace to which they would give their consent.

The undersigned can now only repeat those declarations, and decline treating upon the basis of *uti possidetis*, or upon any other principle involving a cession of any part of the territory of the United States, as they have uniformly stated, they can treat only upon the principle of a mutual restoration of whatever territory may have been taken by either party. From this principle they cannot recede, and the undersigned, after the repeated declarations of the British plenipotentiaries, that Great Britain had no view to the acquisition of territory in this negotiation, deem it ne-

cessary to add, that the utility of its continuance depends on their adherence to this principle.

The undersigned having declared, in their note of the 24th August, that although instructed and prepared to enter into an amicable discussion of all the points on which differences or uncertainty had existed, and which might hereafter tend to interrupt the harmony of the two countries, they would not make the conclusion of the peace at all depend upon a successful result of the discussion, and having since agreed to the preliminary article proposed by the British government, had believed that the negotiation, already so long protracted, could not be brought to an early conclusion otherwise than by the communication of a project, embracing all the other specifick propositions which Great Britain intended to offer. They repeat their request in that respect, and will have no objection to a simultaneous exchange of the projects of both parties. This course will bring fairly into discussion the other topicks embraced in the last note of the British plenipotentiaries, to which the undersigned have thought it unnecessary to advert at the present time.

The undersigned renew to the British plenipotentiaries the assurance of their high consideration.

(Signed) JOHN QUINCY ADAMS,
JAS. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
A. GALLATIN.

*The American Commissioners to the Secretary of State.
Ghent, October 31, 1814.*

SIR,

THE detention of the Chauncey at Ostend, enables us to send you the enclosed note from the British plenipotentiaries, which we have just received.

We have the honour to be, &c.

(Signed) JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
ALBERT GALLATIN.

The British to the American Ministers. Ghent, October 31, 1814.

THE undersigned have the honour to acknowledge the receipt of the note addressed to them by the American plenipotentiaries on the 24th instant, in which they object to the basis of *uti possidetis* proposed by the undersigned, as that on which they were willing to treat in regard to part of the boundaries between the dominions of his majesty and those of the United States.

The American plenipotentiaries, in their note of the 13th instant requested the undersigned to communicate to them the project of a treaty embracing all the points insisted on by Great Britain, engaging, on their part, to deliver, immediately after, a contre project, as to all the articles to which they might not agree, and as to all the subjects deemed material by the United States, and omitted in the project of the undersigned.

The undersigned were accordingly instructed to wave the question of etiquette, and the advantage that might result from receiving the first communication, and, confiding in the engagement of the American plenipotentiaries, communicated, in their note of the 21st inst. all the points upon which they were instructed to insist.

The American plenipotentiaries have objected to one essential part of the project thus communicated; but before the undersigned can enter into the discussion of this objection, they must require from the American plenipotentiaries, that, pursuant to their engagement, they will deliver a contre project, containing all their objections to the points submitted by the undersigned, together with a statement of such further points as the government of the United States consider to be material.

The undersigned are authorized to state, distinctly, that the article as to the pacification and rights of the Indian nations having been accepted, they have brought forward, in their note of the 21st inst. all the propositions which they have to offer. They have no further demands to make; no other stipulations on which they are instructed to insist; and

they are empowered to sign a treaty of peace forthwith, in conformity with those stated in their former note.

The undersigned trust, therefore, that the American plenipotentiaries will no longer hesitate to bring forward, in the form of articles, or otherwise, as they may prefer, those specifick propositions upon which they are empowered to sign a treaty of peace between the two countries.

The undersigned avail themselves of the present opportunity to renew to the plenipotentiaries of the United States the assurance of their high consideration.

(Signed) *Henry Goulburn* GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. FEB. 18, 1815.

I LAY before Congress copies of the treaty of peace and amity between the United States and his Britannic majesty, which was signed by the commissioners of both parties at Ghent, on the 24th of December, 1814, and the ratifications of which have been duly exchanged.

While performing this act, I congratulate you, and our constituents, upon an event which is highly honourable to the nation, and terminates with peculiar felicity, a campaign signalized by the most brilliant successes.

The late war, although reluctantly declared by Congress, had become a necessary resort, to assert the rights and independence of the nation. It has been waged with a success which is the natural result of the wisdom of the legislative councils, of the patriotism of the people, of the publick spirit of the militia, and of the valour of the military and naval forces of the country. Peace, at all times a blessing, is peculiarly welcome, therefore, at a period when the causes for the war have ceased to operate; when the government has demonstrated the efficiency of its

powers of defence ; and when the nation can review its conduct without regret, and without reproach.

I recommend to your care and beneficence, the gallant men, whose achievements, in every department of the military service, on the land and on the water, have so essentially contributed to the honour of the American name, and to the restoration of peace. The feelings of conscious patriotism and worth, will animate such men, under every change of fortune and pursuit ; but their country performs a duty to itself, when it bestows those testimonials of approbation and applause, which are, at once, the reward and the incentive to great actions.

The reduction of the publick expenditures to the demands of a peace establishment, will, doubtless, engage the immediate attention of Congress. There are, however, important considerations which forbid a sudden and general revocation of the measures that have been produced by the war. Experience has taught us that neither the pacifick dispositions of the American people, nor the pacifick character of their political institutions, can altogether exempt them from that strife which appears, beyond the ordinary lot of nations, to be incident to the actual period of the world ; and the same faithful monitor demonstrates that a certain degree of preparation for war, is not only indispensable to avert disasters in the onset, but affords also the best security for the continuance of peace. The wisdom of Congress will, therefore, I am confident, provide for the maintenance of an adequate regular force ; for the gradual advancement of the naval establishment ; for improving all the means of harbour defence ; for adding discipline to the distinguished bravery of the militia ; and for cultivating the military art, in its essential branches, under the liberal patronage of government.

The resources of our country were, at all times, competent to the attainment of every national object ; but they will now be enriched and invigorated by the activity which peace will introduce into all the scenes of domestick enterprise and labour. The provision that has been made for the publick creditors, during the present session of

Congress, must have a decisive effect in the establishment of the publick credit, both at home and abroad. The reviving interests of commerce will claim the legislative attention at the earliest opportunity; and such regulations will, I trust, be seasonably devised as shall secure to the United States their just proportion of the navigation of the world. The most liberal policy towards other nations, if met by corresponding dispositions, will, in this respect, be found the most beneficial policy towards ourselves. But there is no subject that can enter with greater force and merit into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have sprung into existence, and attained an unparalleled maturity throughout the United States during the period of the European wars. This source of national independence and wealth, I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

The termination of the legislative sessions will soon separate you, fellow citizens, from each other, and restore you to your constituents. I pray you to bear with you the expressions of my sanguine hope, that the peace which has been just declared, will not only be the foundation of the most friendly intercourse between the United States and Great Britain, but that it will also be productive of happiness and harmony in every section of our beloved country. The influence of your precepts and example must be every where powerful: and while we accord in grateful acknowledgments for the protection which Providence has bestowed upon us, let us never cease to inculcate obedience to the laws, and fidelity to the union, as constituting the palladium of the national independence and prosperity.

JAMES MADISON.

TREATY OF PEACE AND AMITY

BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA.

HIS BRITANNIC MAJESTY and the United States of America, desirous of terminating the war which has unhappily

subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding, between them, have, for that purpose, appointed their respective plenipotentiaries, that is to say : his Britannic majesty, on his part, has appointed the right honourable James lord Gambier, late admiral of the white, now admiral of the red squadron of his majesty's fleet, Henry Goulburn, esquire, a member of the imperial parliament, and under-secretary of state, and William Adams, esquire, doctor of civil laws: and the President of the United States, by and with the advice and consent of the senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States, who, after a reciprocal communication of their respective full powers, have agreed upon the following articles :

ARTICLE THE FIRST.

There shall be a firm and universal peace, between his Britannic majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as herein after mentioned. All territory, places, and possessions, whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, excepting only the islands herein after mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other publick property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a publick nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom

they respectively belong. Such of the islands in the bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands, shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty, as to such possession of the islands and territories claimed by both parties, shall, in any manner whatever, be construed to affect the right of either.

ARTICLE THE SECOND.

Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects, and citizens, of the two powers, to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed, that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north, to the latitude of fifty degrees north, and as far eastward in the Atlantic ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: that the time shall be thirty days in all other parts of the Atlantic ocean north of the equinoxial line or equator; and the same time for the British and Irish channels, for the gulf of Mexico and all parts of the West Indies: forty days for the north seas, for the Baltic, and for all parts of the Mediterranean: sixty days for the Atlantic ocean south of the equator, as far as the latitude of the Cape of Good Hope: ninety days for every part of the world south of the equator: and one hundred and twenty days for all other parts of the world, without exception.

ARTICLE THE THIRD,

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable

after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

ARTICLE THE FOURTH.

Whereas it was stipulated by the second article in the treaty of peace, of one thousand seven hundred and eighty-three, between his Britannic majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia, on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the bay of Passamaquoddy, which is part of the bay of Fundy, and the island of Grand Menon, in the said bay of Fundy, are claimed by the United States, as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to his Britannic majesty, as having been at the time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the province of Nova Scotia. In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners, to be appointed in the following manner, viz: One commissioner shall be appointed by his Britannic majesty, and one by the President of the United States, by and with the advice and consent of the senate thereof; and the said two commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of his Britannic majesty and of the United States respectively. The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit.

The said commissioners shall, by a declaration or report under their hands and seals decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that in the event of the two commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said commissioners refusing or declining, or wilfully omitting to act as such, they shall make, jointly or separately, a report or reports, as well to the government of his Britannic majesty as to that of the United States, stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they or either of them, have so refused, declined or omitted to act. And his Britannic majesty and the government of the United States hereby agree to refer the report or reports of the said commissioners to some friendly sovereign or state, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one commissioner, together with the grounds upon which the other commissioner shall have refused, declined or omitted to act, as the case may be. And if the commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or state, together with the report of such other commissioner, then such sovereign or state shall decide *ex parte* upon the said report alone. And his Britannic majesty and the government of the United States engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters so referred.

ARTICLE THE FIFTH.

Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and desig-

nated in the former treaty of peace between the two powers, as the north-west angle of Nova Scotia, nor the north-westernmost head of Connecticut river, has yet been ascertained: and whereas that part of the boundary line between the dominions of the two powers, which extends from the source of the river St. Croix directly north to the above mentioned north-west angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the north-westernmost head of Connecticut river, thence down along the middle of that river to the forty-fifth degree of north latitude, thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy, has not yet been surveyed; it is agreed, that for these several purposes two commissioners shall be appointed, sworn and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places, as they shall think fit. The said commissioners shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraguy, to be surveyed and marked, according to the said provisions. The said commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the north-west angle of Nova Scotia, of the north-westernmost head of Connecticut river, and of such other points of the said boundary, as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two commissioners differing, or both, or either of them refusing, declining, or

wilfully omitting to act, such reports, declarations or statements shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ARTICLE THE SIXTH.

Whereas, by the former treaty of peace that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraguy to the lake Superiour, was declared to be "along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie, thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superiour." And whereas doubts have arisen what was the middle of the said river, lakes and water communications, and whether certain islands lying in the same were within the dominions of his Britannic majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. The said commissioners shall meet, in the first instance, at Albany, in the state of New York, and shall have power to adjourn to such other place or places as they shall think fit: the said commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said river, lakes, and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decision

as final and conclusive. And in the event of the said two commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ARTICLE THE SEVENTH.

It is further agreed that the said two last mentioned commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby authorized, upon their oaths, impartially to fix and determine, according to the true intent of the said treaty of peace of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two powers, which extends from the water communication between lake Huron and lake Superiour to the most north-western point of the lake of the Woods, to decide to which of the two parties the several islands lying in the lakes, water communications and rivers forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three; and to cause such parts of the said boundary, as require it, to be surveyed and marked. The said commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most north-western point of the lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such reports, declarations or statements shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made in all respects as in the latter part of the fourth article is con-

tained, and in as full a manner as if the same was herein repeated.

ARTICLE THE EIGHTH.

The several boards of two commissioners mentioned in the four preceding articles, shall respectively have power to appoint a secretary, and to employ such surveyors, or other persons, as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, and decisions, and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of his Britannic majesty, and to the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective governments. The said commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissioners, shall be defrayed equally by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first appointed, and the new commissioner shall take the same oath or affirmation, and do the same duties. It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of commissioners aforesaid, or of the sovereign or state so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war by the party having had such possession, shall be as valid as if such island or islands had by such decision or decisions been adjudged to be within the dominions of the party having had such possession.

ARTICLE THE NINTH.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians, with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities: *Provided always*, that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And his Britannic majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities: *Provided always*, that such tribes or nations shall agree to desist from all hostilities against his Britannic majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ARTICLE THE TENTH.

Whereas the traffick in slaves is irreconcilable with the principles of humanity and justice: and whereas both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object.

ARTICLE THE ELEVENTH.

This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner, if practicable.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

[L. S.]

GAMBIER,

[L. S.]

HENRY GOULBURN,

[L. S.]

WILLIAM ADAMS,

[L. S.]

JOHN QUINCY ADAMS,

[L. S.]

J. A. BAYARD,

[L. S.]

H. CLAY,

[L. S.]

JONA. RUSSELL,

[L. S.]

ALBERT GALLATIN.

JAMES MADISON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular to whom these presents shall come, greeting :

Whereas a treaty of peace and amity between the United States of America, and his Britannic majesty, was signed at Ghent, on the 24th day of December, one thousand eight hundred and fourteen, by plenipotentiaries respectively appointed for that purpose; and the said treaty having been, by and with the advice and consent of the Senate of the United States, duly accepted, ratified, and confirmed, on the 17th day of February, one thousand eight hundred and fifteen; and ratified copies thereof having been exchanged agreeably to the tenour of the said treaty, which is in the words following, to wit :

[For copy of treaty see page 655.]

Now, therefore, to the end that the said treaty of peace and amity may be observed with good faith, on the part of the United States, I, James Madison, President as aforesaid, have caused the premises to be made publick; and I do hereby enjoin all persons bearing office, civil or military, within the United States, and all others, citizens or

inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and [L. s.] signed the same with my hand.

Done at the city of Washington, this eighteenth day of February, in the year of our Lord one thousand eight hundred and fifteen, and of the sovereignty and independence of the United States the thirty-ninth.

JAMES MADISON.

By the President.

JAMES MONROE,
Acting Secretary of State.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
HOUSE OF REPRESENTATIVES. FEB. 23, 1815.

I TRANSMIT to the House of Representatives a report from the acting Secretary of State, complying with their resolution of the 15th inst.

JAMES MADISON.

REPORT

OF THE SECRETARY OF STATE RELATIVE TO THE BAR-
BARY POWERS. FEB. 20, 1815.

THE acting Secretary of State, to whom was referred the resolution of the House of Representatives of the 15th inst. requesting the President of the United States to cause to be laid before that house such information as he shall deem necessary to be communicated, touching the state of relations existing between the United States and the Barbary powers, has the honour to state, that, according to the latest accounts from Morocco, Tunis, and Tripoli, our relations with those powers remained upon their former

footing, nor is there any particular reason to believe that any change has since taken place.

It will appear by the documents accompanying the message of the President to Congress on the 17th November, 1812, that the Dey of Algiers had, violently, and without just cause, obliged the consul of the United States, and all American citizens then in Algiers, to leave that place, in a manner highly offensive to their country and injurious to themselves, and in violation of the treaty then subsisting between the two nations. It appears, moreover, that he exacted from the consul, under pain of immediate imprisonment, a large sum of money, to which he had no claim but what originated in his own injustice.

These acts of violence and outrage have been followed by the capture of, at least, one American vessel, and by the seizure of an American citizen on board of a neutral vessel. The unfortunate persons, thus captured, are yet held in captivity, with the exception of two of them who have been ransomed. Every effort to obtain the release of the others has proved abortive; and there is some reason to believe that they are held by the Dey as a means by which he calculates to extort from the United States a degrading treaty.

JAMES MONROE.

Department of State, Feb. 20, 1815.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. FEB. 23, 1815.

CONGRESS will have seen, by the communication from the consul general of the United States at Algiers, laid before them on the 17th Nov. 1812, the hostile proceedings of the Dey against that functionary. These have been followed by acts of more overt and direct warfare against the citizens of the United States trading in the Mediterranean, some of whom are still detained in captivity, not-

withstanding the attempts which have been made to ransom them, and are treated with the rigour usual on the coast of Barbary.

The considerations which rendered it unnecessary and unimportant to commence hostile operations on the part of the United States, being now terminated by the peace with Great Britain, which opens the prospect of an active and valuable trade of their citizens within the range of the Algerine cruisers, I recommend to Congress the expediency of an act declaring the existence of a state of war between the United States and the Dey of Algiers; and of such provisions as may be requisite for a vigorous prosecution of it to a successful issue.

JAMES MADISON.

REPORT,

RELATIVE TO PROTECTION OF AMERICAN COMMERCE AGAINST ALGERINE CRUISERS.

THE committee to whom has been referred the bill "for the protection of the commerce of the United States against the Algerine cruisers," with instructions to inquire and report in detail the facts upon which the measure contemplated by the bill is predicated, report,

That in the month of July, 1812, the Dey of Algiers, taking offence, or pretending to take offence, at the quality and quantity of a shipment of military stores made by the United States in pursuance of the stipulation in the treaty of 1795, and refusing to receive the stores, extorted from the American consul general at Algiers, by threat of personal imprisonment, and of reducing to slavery all Americans in his power, a sum of money claimed as the arrearages of treaty stipulations, and denied by the United States to be due; and then compelled the consul and all citizens of the United States at Algiers abruptly to quit his dominions.

It further appears to the committee, that on the 25th of August following, the American brig Edwin, of Salem,

owned by Nathaniel Silsbee, of that place, while on a voyage from Malta to Gibraltar, was taken by an Algerine corsair, and carried into Algiers as prize. The commander of the brig, captain Geo. Campbell Smith, and the crew, ten in number, have ever since been detained in captivity, with the exception of two of them, whose release has been affected under circumstances not indicating any change of hostile temper on the part of the Dey. It also appears, that a vessel, sailing under the Spanish flag, has been condemned in Algiers as laying a false claim to that flag, and concealing her true American character. In this vessel was taken a Mr. Pollard, who claims to be an American citizen, and is believed to be of Norfolk, Virginia, and who as an American citizen is kept in captivity. The government, justly solicitous to relieve these unfortunate captives, caused an agent (whose connection with the government was not disclosed) to be sent to Algiers, with the means and with instructions to effect their ransom, if it could be done at a price not exceeding three thousand dollars per man. The effort did not succeed, because of the Dey's avowed policy to increase the number of his American slaves, in order to be able to compel a renewal of his treaty with the United States on terms suited to his rapacity. Captain Smith, Mr. Pollard, and the master of the Edwin, are not confined, nor kept at hard labour; but the rest of the captives are subjected to the well known horrors of Algerine slavery. The committee have not been apprized of any other specifick outrages upon the persons or property of American citizens besides those stated; and they apprehend that the fewness of *these* is attributable to the want of opportunity and not of inclination in the Dey, to prey upon our commerce and to enslave our citizens. The war with Britain has hitherto shut the Mediterranean against American vessels, which it may be presumed will now shortly venture upon it.

The committee are all of opinion upon the evidence which has been laid before them, that the Dey of Algiers considers his treaty with the United States as at an end, and is waging war against them. The evidence upon

which this opinion is founded, and from which are extracted the facts above stated, accompanies this report, and with it is respectfully submitted.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. FEB. 25, 1815.

PEACE having happily taken place between the United States and Great Britain, it is desirable to guard against incidents, which, during periods of war in Europe, might tend to interrupt it: and, it is believed, in particular, that the navigation of American vessels exclusively by American seamen, either natives, or such as are already naturalized, would not only conduce to the attainment of that object, but also to increase the number of our seamen, and consequently to render our commerce and navigation independent of the service of foreigners, who might be recalled by their governments under circumstances the most inconvenient to the United States. I recommend the subject, therefore, to the consideration of Congress; and, in deciding upon it, I am persuaded, that they will sufficiently estimate the policy of manifesting to the world a desire, on all occasions, to cultivate harmony with other nations by any reasonable accommodations, which do not impair the enjoyment of any of the essential rights of a free and independent people. The example on the part of the American government will merit, and may be expected to receive, a reciprocal attention from all the friendly powers of Europe.

JAMES MADISON.

MESSAGE

**FROM THE PRESIDENT OF THE UNITED STATES TO THE
SENATE. FEB. 28, 1815.**

I TRANSMIT to the Senate a report from the acting secretary of state complying with their resolution of the 24th of October last.

JAMES MADISON.

REPORT.

THE undersigned, acting as secretary of state, to whom was referred the resolution of the senate of the 24th October last, requesting the President of the United States to lay before the senate, (provided he shall not consider the same improper to be communicated) the proof of any traffick carried on in the West Indies, by the sale of negroes taken from the United States, by the British forces since the present war, has the honour to state, that such proof was transmitted to the executive by the honourable St. George Tucker, in the form of an affidavit of captain Williams, from which it appeared that he had been a prisoner in the Bahama islands, and that whilst there, he had been present at the sale of negroes taken from the vicinity of Norfolk and Hampton. This affidavit, voluntarily given, and strengthened and corroborated by a variety of circumstances, was considered at the time, as full proof of the fact, and was transmitted to our ministers at Ghent. When the resolution of the senate was transmitted to this department, application was made to judge Tucker, and subsequently to major Griffin, for the original affidavit, or for an authenticated copy; as neither have yet been received, and as it is deemed improper longer to delay this report, the undersigned begs leave to refer to the accompanying papers, marked 1, 2, 3, and 4, from which the material facts stated in the affidavit, may be collected, and the circumstances which have prevented its transmission to

this department explained. This subject will be further investigated with a view to place it, in all its circumstances, in the most satisfactory light.

All which is respectfully submitted,

JAMES MONROE.

Department of State, Feb. 28, 1815.

No. 1.

Richmond, November 24, 1814.

SIR,

I do myself the honour to enclose you a letter from my friend, Mr. Cabell, and one from Mr. John Tabb Smith, the magistrate before whom the affidavit was made, a copy of which I transmitted to the President. Mr. Cabell has written to major Griffin, to endeavour to procure the original, and if he should fortunately obtain it, I will lose no time in forwarding it to you.

I have the honour to be, &c.

ST. G. TUCKER.

JOHN GRAHAM, Esq.

Department of State, Washington.

No. 2.

Copy of a Letter from Joseph C. Cabell, Esq. to the Hon. St. George Tucker, dated Richmond, Nov. 22, 1814.

MY DEAR SIR,

I HAVE received your favour of the 14th instant, embracing an extract from the letter recently written to you by Mr. Graham, of the department of state, on the subject of the resolution of the Senate of the United States of the 24th ultimo.

I distinctly recollect all the material circumstances in regard to the copy of the affidavit, which you forwarded to the President. About the period that major Thomas Griffin, of York, went on board the British squadron in Lynnhaven bay, for the purpose of endeavouring to recover his negroes, who had gone off to the enemy, I happened to be in Williamsburg. The destination of the slaves that had been taken or received by the British, was then a sub-

ject of curiosity and concern throughout the lower country. I understood that a seafaring man of the name of Williams, who had been a prisoner with the enemy, and had recently arrived at Hampton, had gone in company with major Thomas Griffin, of York, before John Tabb Smith, a respectable magistrate of the county of Elizabeth city, and had made oath that while a prisoner in one of the Bahama Islands, he had been present at the sale of the negroes that had been carried off from the vicinity of Hampton and Norfolk; that the negroes were sold at a high price; and that a negro carpenter from Norfolk, was purchased for a thousand dollars. Several gentlemen of the first respectability, who had conversed with major Griffin, informed me that he spoke of Williams as a man whose appearance entitled him to credit, and that he had accordingly published the affidavit in the town of York. Through the medium of Mr. Coke, of Williamsburg, I procured a copy of this paper, which I handed to you, and was forwarded by you to the President. This affidavit was a subject of general conversation about that time. The circumstances under which Williams arrived at Hampton, the manner in which he described the negroes sold in the Bahamas, and particularly the carpenter from Norfolk, and the appearance of entire sincerity in his narrative, left no doubt, I was assured, on the mind of either Mr. Smith or major Griffin, that the alleged sale had actually taken place. I did not see major Griffin, nor did I inquire what he intended to do with the original affidavit of Williams; my conjecture was, that he would send it on to the committee of Congress, charged with the business of collecting proofs of the barbarous conduct of the war, by the enemy. As it seems he has not done so, I presume it remains in his possession. I will write immediately to him with the view of ascertaining whether this be the fact; and if it be, to request the favour of him to enclose me the affidavit. The result of my inquiries of that gentleman shall be made known to you without delay.

In the interim, I remain, most respectfully and sincerely yours, &c.

JOS. C. CABELL.

No. 3.

Copy of a Letter from John Tabb Smith, Esq. to Judge Tucker, dated Hampton, Nov. 21, 1814.

SIR,

YOUR favour I have now before me. Some time in the year 1813, there came before me a captain Williams (I think his name was) in company with major Thomas Griffin, of York, with the affidavit you speak of in your letter, which he swore to before me, and I gave my certificate thereto. I then gave the affidavit to major Griffin, and expected to see it published in one of the Richmond papers, but never heard of it since, but from your letter. I expect the original can be got from major Griffin. But if it is mislaid, I will recollect the substance of the affidavit, and will render you any service in my power. I am, with respect,

JOHN TABB SMITH.

If it can be got from major Griffin, it had better be in the captain's own words, with my certificate. J. T. S.

ST. GEORGE TUCKER, Esq. &c.

No. 4.

York, Virginia, Feb. 16, 1815.

SIR,

YOUR favour of the 6th inst. has been received. I have examined my papers, and cannot find the original affidavit of captain Williams, therein alluded to. The copy I gave Mr. Cabell was literally correct; the original has been mislaid, or I fear lost in the bustle of moving papers from hence so frequently as has been done, to place them without the reach of the enemy during the war. I will again examine, and endeavour to recover the affidavit, and will forward the same to the department of state as soon as it shall be recovered. Very respectfully, I am, sir, your obedient servant,

THOS. GRIFFIN.

JOHN GRAHAM, Esq.

Department of State, Washington.

APPENDIX.

APPENDIX:

CONTAINING A FEW PAPERS WHICH COULD NOT BE OBTAINED IN
SEASON FOR INSERTION IN THEIR PROPER PLACES.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
SENATE. APRIL 23, 1812.

I TRANSMIT to the Senate a report of the Secretary of State,
complying with their resolution of the 4th of March last.

JAMES MADISON.

REPORT.

THE Secretary of State to whom was referred the resolution
of the Senate of the 4th of March last, has the honour to report,
that the enclosed papers, marked A. B. and C. contain all the
information in this Department, "relative to captures made by
the belligerents since the 1st day of May, 1811, of vessels of the
United States, bound to or from the Baltic, or within that sea."

All which is respectfully submitted.

JAMES MONROE.

Department of State, April 23, 1812.

B.

*Extract from Mr. Erving's No. 6, to the Secretary of State.
Copenhagen, July 28, 1811.*

I HAVE the honour, herewith, to enclose copies of my note to
Mr. de Rosenkrantz, dated 17th instant, upon the convoy ques-
tion, No. 1, and his reply of the 27th, No. 2.

The reference of my above mentioned note to the royal
chancery, as stated in the minister's reply, did not take place
till the 24th or 25th; in the mean time two of the cases therein
mentioned, viz: The Annawan and the Hesper were condemn-
ed by the high court: I think it probable that the remaining two
cases, in which, as you will perceive by that note, the evidence
of force used to compel the vessels to join convoy is more clear
than in the other cases, will be acquitted. Since the date of my
last, upwards of twenty of our vessels have passed up the Bal-
tic; some few of these have been detained, examined and releas-
ed. Eight vessels have come down bound for the United States;
of these, five have been detained; one, the "Experiment," Vib-
bert, having despatches on board from Mr. Adams, was released
instantly, on my application; three others were released after a

few days' detention, and one only (having an English license, laden for English account, and being bound to Ireland) is pending in the prize court.

It is said that a great number of our vessels have gone up under convoy. I find it is impossible to obtain in advance, any security for such of these as may return without convoy. The clause in the king's instructions, against which I have thought it my duty to protest, is understood to extend to all vessels which *have used* enemy's convoy during the voyage (out and home) in which they are actually engaged.

[ENCLOSED IN MR. ERVING'S NO. 6.]

To his Excellency Mr. de Rosenkrantz, first Minister of State and Chief of the Department for Foreign Affairs, &c. Copenhagen, July 17, 1811.

SIR,

THE undersigned, special minister of the United States of America, in acknowledging the receipt of the note dated 9th instant, of his excellency Mr. de Rosenkrantz, first minister of state, and chief of the department for foreign affairs, cannot but express the very great concern with which he has seen the determination of his majesty therein declared, of adhering to a rule of proceeding with regard to American vessels, found under British convoy, against which the undersigned has so formally protested and remonstrated, as a violation of principles derived from the law of nations to which only the United States can submit the arbitration of their neutral rights; that contrary to the practice of other governments with which that of America has from time to time found itself in collision upon similar questions, his Danish majesty confines himself to a declaration of his will unsupported by authorities or examples, and unqualified by any modifications of, or exceptions to, the offensive principle in question, adapted to the peculiar circumstances of the cases which may be affected by it; and finally, that by the operation of this rule, cases now depending in the high court, of ships and cargoes purely and wholly American, wherein neither the owners or masters have done, attempted to do, or contemplated any injury or offence to his majesty's belligerent rights, are to be condemned because they have had the previous misfortune of falling into the hands of his enemy: neither the regular form in which these vessels have entered the Baltic, paying their sound dues; neither the judicial investigations which have established their neutrality; neither orders found on board directing them not to take British convoy; neither the notariety or the most clear proofs of their having been forced into convoy; these it seems are not to avail. But that his majesty may see in the most distinct manner the full effect of his own rule, and that the representations of the undersigned against it may go accompanied by clear exemplifications of the injustice which it operates, so that it shall at all times appear that he has not remonstrated but on sufficient grounds, and that he has not magnified the cause

of complaint, he will here briefly state the circumstances of the only four vessels which remain uncondemned of eighteen which were taken under the same convoy: These are,

The Annawan, Donaldson; Hesper, Cushing; Hope, Rhea; Elizabeth, Campbell.

The two first named of these vessels (Annawan and Hesper) were captured by his majesty's cruisers on entering the Baltic. They underwent a trial in the prize court, when their neutrality was fully established, and they were released. These previous proceedings leave scarcely a possibility of supposing that they sought convoy on their return; but the assurance in this respect is completed and confirmed by the unanimous declarations of the masters and crews, proving most incontestibly that they were forced to join the British convoy.

The Elizabeth, Captain Campbell, was also captured on her outward voyage by his majesty's cruisers: her neutrality was established and she was acquitted by the prize court. The fact of her having been forced into convoy, conformably to the unanimous declaration of the master and crew, is found also recorded in her log-book, under date June 18th, 1810.

The instructions of the supercargo, Fisher, found on board, direct the captain in these words, viz:

"In your passage down the Baltic, you will call at Elsinour and pay the Sound dues, if in your power; and if prevented by any force, or other occurrence, you will make the necessary protests, and forward such documents to Mr. Yard as will prove your having proceeded in every respect in a clear and regular manner. In case, however, notwithstanding all the documents you possess, you should meet with any interruption whatever, I beg you will, if on any part of the continent, send me an estafette, and I will endeavour as much as lays in my power to assist you, either by coming to you or sending you such proofs as lay in my power. I have provided you with a letter of credit on the house of Messrs. Parish and Co. of Hamburg, in case of need; and I shall also write to Messrs. Belfour, Ellah and Rainals, to send you assistance if you are in need of it, which I must confess I do not apprehend, from the Elizabeth having regularly paid her Sound dues, and having been already acquitted through the courts in Norway."

The supercargo Fisher also wrote to the above mentioned Belfour, Ellah and Rainals, of Elsinour, directing them to pay the Sound dues on the Elizabeth and despatch her as quick as possible, which letter said Belfour and Co. received, as appears by their affidavits.

In the case of the "Hope," Rhea, superadded to all other proofs of her having been forced into convoy is an endorsement made on her ship's papers on the 15th June, by the British commander, Charles Dashwood, of which the following is an extract.

"Boarded by H. M. S. Pyramus, off the north end of Gothland, and ordered to proceed to join convoy in Hano bay, near

Cadsham. He has no license whatever, yet as it appears to be neutral property, the return of his outward bound cargo, I have my doubts about detaining her. My object in ordering her to join convoy, though a neutral, is to prevent her from going to an enemy's port with naval stores, or to be captured."

The undersigned is sensible that he has now said all that the subject requires, yet he cannot leave any observation of his excellency Mr. de Rosenkrantz without reply; upon that therefore which seems to call for the acquiescence of the American government to the rule in question, because it has not been disputed by any European power, he must remark, that no European power whatever is, relatively to that rule, in the same situation as the United States; but on the contrary, that each of them is impossibilitated, by the nature of circumstances, from reclaiming against it. G. W. E.

[TRANSLATION.] *Enclosed in Mr. Erving's No. 6.*

THE undersigned, Minister of State, chief of the department of Foreign Affairs, has the honour to inform Mr. Erving, Minister of the United States of America, that in consequence of the particular representations which Mr. Erving addressed to him on the 17th inst. in favour of the American vessels "Annawan," "Hesper," "Hope," "Elizabeth," captured under English convoy by Danish cruisers, he hastened to cause the royal chancery to make known to the supreme tribunal of the admiralty, the arguments furnished by the note of Mr. Erving, to prove that the said vessels had been forced to join convoy.

The undersigned has also drawn the attention of the supreme tribunal to the particular situation in which these vessels were placed. He wishes that this circumstance may determine the judges of the admiralty to make an exception to the rules established for the government of cruisers, and for the tribunals of prizes.

The Minister of State has the honour to pray of Mr. Erving to be pleased to observe that if, as he remarks, the American vessels find themselves, so far as regards the use they make of the protection of the enemies of Denmark by the means of convoy, in a situation or relation different from that of vessels under the European flags generally, this does not in any degree change the rule which has been prescribed by the King of Denmark, because, as has been heretofore alleged by the undersigned, the protection of the enemy destroys, in him who uses it, his original quality of neutral and friend. This rule might, by an event of the moment, be more applicable to the conduct of the masters of American vessels, than to that of the masters of vessels under any of the European flags, but it is calculated to be applied to every neutral flag without distinction.

The undersigned is consequently obliged again to state to Mr. Erving, that the use of English convoy, in the North Sea, or in the Baltic, exposes neutral vessels to be treated conformably to

the provisions of the S. xi. lit. D. of the ordinance regulating privateers.

He seizes this occasion to renew to the Minister of the United States the assurance of his high consideration.

(Signed) ROSENKRANTZ.

Copenhagen, July 27, 1811.

No. 7.

Extract of a Letter from George W. Erving, special Minister of the United States at Copenhagen, to the Secretary of State, dated Copenhagen, August 18, 1811.

Two American vessels, viz: the "Hero" and "Radius," have been captured by the French privateer La Minute, No. 2. The captain of this corsair imagines that he can justify the capture by his Emperour's decree against colonial produce, within which description he supposes the cotton of these vessels, (though the produce of Carolina and Georgia,) to be comprised. The oil on board the Radius, is from Gallipoli. The same corsair is now cruising off Elsinour, just without the Danish jurisdiction, and declares his intention of stopping every vessel which has any colonial produce on board; though as the season is so far advanced it is not probable that there will be any more arrivals from the United States; yet I have taken measures to have a Swedish boat cruising from the island of Anholt to the coast of Sweden, to warn all our vessels so that they may pass through the Belt and pay their Sound dues at Nyborg."

[ENCLOSED IN MR. ERVING'S NO. 7.]

Extract of a Letter from George W. Erving, Esq. special minister of the United States at Copenhagen, to Jonathan Russell, Esq. charge d' affaires of the United States at Paris, dated Copenhagen, August 9, 1811.

"BRIG Hero, H. Blackler, master, of Marblehead, owned by William Blackler and Sons, 107 tons burden, from Marblehead, bound to St. Petersburg with a cargo of cotton and coffee.

"Brig Radius, B. Lander, master, of Boston, owned by W. Gray, from Newport, bound to St. Petersburg, with a cargo of oil, cotton, &c.

"DEAR SIR,

"THE two vessels above mentioned, arrived at Elsinour, on the 6th instant, paid their Sound dues, and proceeded on their voyage. On the 7th, the wind being ahead, they anchored near this port. Yesterday morning, about 4 o'clock, they got under way again, and in the course of the day were captured by a French privateer, at about six English miles from the Danish shore, off the point of Falsterbrough, that is within the Swedish jurisdiction. They were brought into this port by said privateer at 2 o'clock yesterday afternoon. I made every effort with Mr.

Desaugiers, the French consul and charge d'affaires, and with his government, to prevent the papers (which were immediately delivered to said Mr. Desaugiers) being sent to Paris, and to obtain that the matter should be decided in the tribunals of this country, but unhappily without effect.

"The papers of these vessels will probably go to Paris by this same post: the cases will necessarily fall under your care. In the present state of our relations with the emperor, we may hope not only for despatch, and a favourable decision on them, but for some check to the depredations which are likely to be committed in this quarter."

No. 8.

Extract of a Letter from Mr. Erving to Mr. Monroe, dated September 8, 1811.

"SINCE the date of my last, (August 18th) the same French privateer has captured three of our vessels bound up the Baltic, viz.: the "Egeria," Law; "Hannah," Dennis; and "Two Generals," Courtesis. She has been lately joined by another, called "Le Loup." They lay at Elsineur, cruising in favourable weather, from thence to the Kohl point, and in that position must intercept all vessels entering the Sound. The just apprehensions which their proceedings have excited, to say nothing of their open declarations, which are not so well established, prevent our vessels which have arrived from Petersburg at Elsineur, from leaving that place. The number of these at present may be about ten, and will be augmenting daily. They are impatient to depart, not only on account of the lateness of the season, but because the roads of Elsineur are not safe in bad weather. Some of them are disposed to sail, and to defend themselves, and have offered their protection to others which are not prepared for defence. I have hitherto been able to dissuade them from this purpose, under the reasonable prospect of obtaining from the Danish government some security for them in consequence of the application which I have made with that view."

No. 9.

Copenhagen, September 23, 1811.

TO JAMES MONROE, SECRETARY OF STATE.

SIR,—I HAVE the pleasure to add to what is contained in my despatch No. 8, respecting our vessels then lying at Elsineur, and bound to the United States, that, on the 21st instant, the whole fleet (consisting of twenty-three vessels) put to sea, and owing to the good conduct of the Danish gun boats keeping the Danish privateers in order, it is understood that none of them have been captured. I am well persuaded that the same conduct will be observed on future occasions. Still further to insure a good police in the Sound, a Danish gun brig ordered to co-operate with the gun boats has, to day, been despatched from hence.

The enclosures, No. 31 and 32, will inform you more particularly as to the departure of our vessels. The two, mentioned by Messrs. Belfour and Co., the captains of which had come hither to see me, followed the rest, and in equal security, the same day. With the most perfect respect, I have the honour, &c.

GEORGE W. ERVING.

P. S. OCTOBER 2.—The wind having continued favourable for the fleet, no farther intelligence respecting it, which could be entirely relied on, was received till yesterday, when the “Augustus,” Flint, master, and “Horace,” Leech, master, both belonging to Salem, and bound from Petersburg to Boston, were brought back under capture (by the Danes.) I understand the ground of capture to have been, with respect to the “Augustus,” (and probably of the other) that one or more cannon, not mentioned on her papers, besides some Danish muskets (the exportation of which is prohibited) were found on board.

It appears that the French privateers gave chase to the fleet, continually firing to bring them to, but they did not succeed in detaining a single vessel.

Two other of our vessels went from hence on the 24th, and got safe out also.

Since then, two more French privateers have arrived; and now they seem disposed to cruise above this island. One of our vessels bound from Petersburg to Elsineur has been sent in to day.

G. W. E.

No. 31.

[ENCLOSED IN MR. ERVING'S NO. 9.]

To Messrs. Belfour, Ellah, Rainals and Co., Elsineur. Copenhagen, September 21, 1811.

GENTLEMEN,

I HAVE to acknowledge receipt of your several favours of 17th and 19th instant.

Two American captains from Elsineur to day, inform me that whenever the wind is fair for their sailing, the gun boats are in the habit of going out and lying in the channel; upon which movement they founded some apprehension. Though I did not put the same construction upon this practice as they seemed to do, and expressed my opinion accordingly; yet I have thought it proper to inquire further into the matter, and have the pleasure to say, that I now feel assured that the intention of the movement referred to, is far from hostile; that it is the object of the gun boats, pursuant to his majesty's instructions, to preserve peace, and to afford the security due to neutrals *within his majesty's jurisdiction, on the water*. Within that jurisdiction, I presume that they will not allow of any capture, and therefore a vessel in danger of capture, and flying from danger, will find protection under their guns, in lieu of being endangered by them.

G. W. E.

No. 32.

From Belfour and Co. to Mr. Erving. Elsineur, September 21, 1811, 8 o'clock, P. M.

SIR,

WE crave reference to our respects of this morning's date, and have now to inform you, that at twelve o'clock this forenoon, every ship (except two, the captains of which were at Copenhagen) got under sail and proceeded down Cattegat; when, nearly off Hornbeck, they were mostly brought to, and boarded by Danish privateers; but, as yet, we have not learnt any were detained. Many seemed afterwards to proceed on. The French privateers were much lower; say, below the Kohl; and many seemed inclined to think it possible that they will not be able to board, there being so strong a current down, drifts them further to sea than they are aware of. Unluckily there is but little wind.

The gun boats went down at same time to take care that the French did not interfere within our jurisdiction. A Danish privateer, that was considered to be acting improperly, was fired at by one of the gun boats, and unfortunately one man killed and two wounded. We are, &c.

(Signed) BELFOUR, ELLAH, RAINALS & CO.

Extract of a Letter from Mr. Erving to Mr. Monroe, No. 10, dated Copenhagen, November 10, 1811.

"Two other of our vessels, viz. the "Roboreas," Williams, master, and "Andromache," Laing, master, have been captured by the French privateers, without the Danish jurisdiction. They were bound from Russia to the United States.

The "Hero" and "Radius," mentioned in No. 8, have been condemned by the council of prizes at Paris, on the allegation that they were laden with colonial produce, for English account, &c. An appeal to the council of state has been entered.

The cases of the "Two Generals" and "Hannah," also stated in No. 8, are yet pending here. The papers have been demanded of the French charge d'affaires by this government: he has written to Paris for instructions, which will probably be favourable; or if not, as the French can only claim under the Danish captor, the fact of the vessels having been taken within his majesty's jurisdiction being established, the cases must be tried here; in which event I entertain no doubt but that they will be acquitted.

In the case of the "Egeria," it has been determined by this government that the French captors cannot claim, and the vessel will be forthwith released.

By my despatch No. 9, of September 23d, I had the pleasure to inform you of the departure from Elsineur of twenty-three homeward bound vessels; that none of them had been intercepted by the French, and that two only (having armed themselves whilst laying at Elsineur) had been brought back by a Danish privateer: These I shall be able to procure the release of in a short time.

Very lately, three other homeward bound vessels, viz : the "Lyon," "Agent" and "Dolphin," have gone out unmolested. By this last, we are informed that no American vessels remain at Petersburg ; so that I trust no further captures will be made this year, by either the French or Danish privateers.

Of the cases which were pending on my arrival at this place, as by statement transmitted with my despatch No. 4, one only (the "Resolution," Eldridge, master,) has been condemned, convoy cases excepted. The "Resolution," belonging to Messrs. Minturn and Champlin, of New York, had been bought for their account in England during our embargo, went from thence to Madeira and India ; at Canton, was laden partly for account of said Minturn and Champlin and partly for account of Chinese merchants ; went to New York after the embargo was raised, and there received the usual papers, with which she continued her voyage to the Baltic.

Of the above mentioned pending list, only one case remains to be decided, (the "Minerva Smyth," Mann, master.) It is in rather an unfortunate situation, and I have therefore delayed it myself, for the purpose of procuring, and in the hopes of introducing into the cause further evidence. It may be settled in the course of six weeks.

Of the list containing fifty-eight vessels, dated July 15th, and transmitted with the same despatch, No. 4, only nine were captured vessels. Eight of these have been released ; one, viz : the "Charlotte," Pierce, master, has been condemned : her owner went in her to England, from whence he dated his instructions to the captain. The other reasons assigned for condemnation will be found in a translated copy of the sentence, which is No. 37 of the file herewith transmitted.†

I also enclose herewith a list of vessels which have passed this way from the date of the last (July 15,) to October 9th. It amounts to eighty-two. Of these, there have been

Captured and released,	14
Captured and condemned for having English license, false clearance, having been under English convoy, &c.	2
French captures, "Hero," "Radius," "Roboreas," and "Andromache,"	4
Pending cases in Norway,	7
Pending cases in Copenhagen,	11
Continued their voyages without interruption,	44
	<hr/> 82

Thus it appears, that of the two lists, making together one hundred and forty vessels, three only have been condemned, and one hundred and fifteen have gone clear. And besides these, a great number of vessels have arrived and departed from the coasts of Norway, Holstein and Jutland, of which I have not any particular accounts, and therefore they are not entered on the lists.

† This paper is not on Mr. Erving's file.

Of the eighteen cases (exclusive of French captures) which were depending on the 9th of October, five of the Norway, and three of the Copenhagen cases have been favourably decided ; there has not been one final condemnation, nor do I see reason to apprehend that more than one of those actually depending will be condemned. These may probably all be settled in the course of about five weeks."

No. 12.

Extracts of a Letter from Mr. Erving, special minister of the United States at Copenhagen, to Mr. Monroe, Secretary of State, dated December 23, 1811.

"MY last despatch, relating to general business, was No. 10, of November 10th."

"No further captures have been made by the French privateers in this quarter. At Nyborg, close by the fort, a privateer, called the General Durosnel, commanded by one captain Massé, has lately boarded and taken possession of the "Olive Branch," Bradley, master, of Philadelphia, laden with German goods, and having the king's license. Mr. de Rosenkrantz has promised that he shall be delivered up forthwith ; but as the papers of the ship have been put into possession of the French consul, by the privateersman, some considerable delay may yet take place ; there can be no doubt, however, but that the consul will be ordered by his government to restore the papers ; since the Prince of Echmul (commanding at Hamburg) instantly on learning what had passed, saw fit to suspend captain Massé.

"Another privateer, called Nordsteirnein, (or Northern Star) commanded by captain Weide, lately cut out from the roads of Swinemunde in Prussia, the "Jane Maria," Moffatt, master, (a vessel some time ago released here :) Captain Moffatt and six of his crew being on shore, and two Prussian soldiers as guards on board, the privateer's intention was to have carried her into Rodstock : in that he failed, and the wind not allowing of his entering any other port, he was obliged to bring her to this place, where she arrived a few days since. The same privateer having formerly cut some Danish vessels out of a port in Holstein, and having consequently been prohibited from cruising, was ordered away instantly on his arrival. I claimed the restitution of the vessel. The Frenchmen were accordingly turned on shore. She is now occupied by Danish soldiers, and waits only for the arrival of the captain and crew (for whom I have sent) to be entirely at liberty. The prince of Echmul has also suspended this captain Weide."

"Finally, on the 16th instant, the "Augustus," Flint, and "Horace," Leech, whose cases were mentioned in my despatch, No. 10, as then pending, having been released, and proceeding on their voyage, were attacked between this and Elsineur, by two French privateers. The American vessels escaped, but on their arrival at Elsineur were claimed by the privateers ; and

the commandant there, though he would not acquiesce in that pretension, thought it his duty to put them under embargo, till he could receive the King's orders. I immediately made a suitable representation of this transaction, and the vessels are now put at the disposal of their several captains : by one of them I shall transmit this despatch."

"He" [Monsieur Le Baron d'Alqui, lately minister of France at Stockholm, now at Copenhagen,] "has expressed himself to me in the fullest and fairest manner against the proceedings of the French privateers, in general, and particularly in the cases above mentioned; assuring me that he shall make it his business to have the captains in question severely punished.

"The lists of arrivals here, which I have transmitted with former despatches, included, as you will have observed, all the vessels which had been reported to me, whether entering or going out of the Baltic; yet they cannot be considered as complete. My correspondents at Elsinour, Messrs. Belfour, Ellah, Rainals and Co. to whom I am very much indebted for a great deal of useful information, furnished me with lists of 102 American vessels which entered the Sound, bound to Petersburg. We calculate 60 to have passed through the Belt; and upon the whole, that about 350 cargoes in and out have passed this year."

Extract from Mr. Erving's No. 14, to the Secretary of State, dated February 12, 1812.

I HAVE also looked at the results of the last year's accounts, and I can safely say, as I do with great satisfaction, that when the business is closed, not more than 1 in 46 of the vessels which have passed (one-fourteenth of the captured) will have been condemned, which in the actual situation of Europe, and under all the circumstances of our commerce considered in its own nature, is even a smaller proportion than was to have been anticipated; however the results of former years may appear, I hope to make it evident that our government has afforded as effectual and complete protection to the commerce, during the last year, as it is possible for neutral commerce in these times to receive.

C.

Case of the American ship Julian.

The Julian left Philadelphia the 7th of May, 1810, bound to Gottenburg, and any free port of the Baltic. On the 19th of June, in passing Fair island, she was hailed in English by a vessel of war, but not boarded, and continued her course for Gottenburg. On the 21st of said month she was captured, off the Naze of Norway, by a Norwegian privateer, and carried into Christiansand. On the 27th of July, she was released by a decision of the prize court, with an award of damages. The captors appealed to the high court of Copenhagen, which confirmed the former decision. The papers were not received till the 7th

of January. At this season, it was impossible for the vessel to continue her voyage, and she was obliged to remain at Christiansand till the 10th of April, (nearly ten months detained) when she sailed for Gottenburg, where she arrived on the 12th instant. Not finding a market there, the captain, on the 23d April, proceeded to St. Petersburg—paid the usual toll at Elsinour. On entering the Sound, had been hailed and boarded by English ships of war, and was captured on the 4th of May, off the island of Gothland, by the French privateer the *Marie Louise*, and conducted to Dantzic. On the 12th inst. the captain, supercargo and crew, were interrogated by the French consul of that place. On the 10th September, 1811, the vessel and cargo were condemned by the council of prizes at Paris on the following report, viz.

1. That the captured crew acknowledged that the Julian's cargo consisted of colonial productions.

2. That she was visited by several English war vessels.

3. That the papers indicate, that the supercargo thought it possible to procure false certificates of origin.

4. That he corresponded with merchants of Liverpool.

5. That it is so much the less doubtful that this vessel entered the Baltic under English convoy, as it is not proven that he paid the duties of the Sound in passing Elsinour; therefore it must be inferred that he himself was English, and that for this reason he was obliged to purchase at great expense his freedom in Norway, where he ought to have been received as a neutral, if he were really American; that on this account, the whole is liable to condemnation without further delay.

The supercargo, William Bell, declares, that the receipt of the duties of the Sound was delivered with the papers to the French consul at Dantzic, who returned it to Captain Abbot with the quarantine pass and other papers.

Ship's papers.

1. Register. 2. Sea letter. 3. Mediterranean pass. 4. Roll of equipage. 5. Bills of lading. 6. Manifest. 7. Clearance. 8. Declaration of owners. 9. Certificate of origin. 10. Certificates. 11. Instructions. 12. Certificates of damages, letters, London Price Current, &c.

Case of the American brig Catharine.

The Catharine sailed from Boston in April, 1810, with a cargo consisting of sugar, cocoa, cotton, and fustick, bound to Gottenburg and a market. On her passage to that port, in the month of June, she was captured by a Danish privateer, off the coast of Norway, and conducted to a port of that country. By a decision of the prize court at Christiansand, she was liberated. The captors appealed to the high court of admiralty at Copenhagen, which confirmed the former decision in the month of December. It was impossible to prosecute the voyage at this season. The Catharine remained in Norway till April, in which month she proceeded to Gottenburg; and not finding a market

there, she proceeded to Petersburg, passed the Sound, paid the duties at Elsineur, and, continuing her voyage, was captured on the 3d day of May, off the island of Bornholm, by the French privateer the *Jeune Adolphe*, who conducted her to Dantzic. On the 10th day of September, the brig and cargo were confiscated by a decree of the French council of prizes, which states,

“That the Catharine touched at Gottenburg, which was then visited by an English armed packet boat, which indicates that this vessel, laden almost wholly with colonial productions and dye wood, was employed for the interest of English commerce; that, besides, it cannot be doubted that he entered the Baltic under an English convoy, and that if he was not visited by the enemy's ships, of which there were there a great number, it was because he was himself an enemy under American disguise; and therefore the confiscation of the brig and cargo is not attended with any difficulty.”

The supercargo, Ephraim Thayer, declares, that the Catharine was not under convoy; that the voyage was in every respect legal.

Ship's papers.

1. Register. 2. Mediterranean and Turkish pass. 3. Articles of engagement. 4. Roll of equipage. 7. 8. Bills of health. 9. Bills of lading. 10. Manifest. 11. Clearance. 12. Certificates of origin. 13. Instructions. 14. Accounts and clearance. 15. Decision of the Danish prize court. 16. Receipts for the duties at Fährsund.

Case of the ship Hercules.

The Hercules, of New Bedford, in the United States, sailed from Charleston, in South Carolina, the 22d February, 1810, with a cargo of rice, cotton, tobacco, and logwood, destined for a free port of the Baltic. On the 27th March, this vessel arrived at the roads of Gottenburg, to avoid the ice of the Baltic, and on the 3d April following she sailed for the port of St. Petersburg, and was captured, near Elsineur, by a Danish privateer, by which she was conducted to Copenhagen, where she was detained till the 1st of May, when she was permitted, by a decision of the council of prizes, to continue her route to St. Petersburg. On the 2d of said month, she was forcibly seized, near the island of Oland, by the French privateer *Little Devil*, commanded by captain Klimerath, who conducted her as a prize to Dantzic, which was adjudged as good and lawful by a decision of the council of prizes passed on the 10th September.

The neutrality of the vessel and cargo is completely established by the papers found on board, which were all duly authenticated. The cargo was consigned to the captain by the shippers, proprietors of the vessel, all citizens of the United States.

There was a certificate of the importation of the Campeachy wood, legalized by the French consul, and certificates of the origin and property of the cargo from the Danish and Swedish

consuls residing at the port of embarkation. Besides these documents, there was a certificate stating, that there was no Russian consul at Charleston, and also a copy of the judgment of the Danish council of prizes of the 13th April, 1811, which ordered the vessel and cargo, truly American, to be put at the disposition of the captain—he paying certain expenses incurred by the capture.

The following are the grounds of capture, as stated in the decision of the imperial council of prizes :

1. That the Hercules was laden with colonial productions.
2. That she had no fixed destination, and was consigned to the captain.
3. That she touched at Gottenburg, which is considered as an English entrepot.
4. That she, without doubt, navigated under the protection of English convoy.
5. That it was impossible she was not visited by the enemy's ships of war in approaching the isle of Anholt.

1. The captain and crew have declared, that the vessel was not visited by any English ship or vessel, and there is no proof exhibited against this statement.

2. Her destination was regular, seeing it was for a permitted port of the Baltic.

3. At the departure of the Hercules from the United States, there was even no suspicion that Gottenburg was considered as an enemy's port.

4. The captain and crew have declared, as is proven by the log-book, that this vessel was not under convoy, and there is no proof of the statement.

We have already stated that her papers were all regular and legal. An act of the custom house shows, that the Campeachy wood was imported in a vessel named the Isabella: the consignment of the cargo to the captain, and the want of a supercargo, are hinted at as suspicious; circumstances which often occur, and which are no index of simulation or fraud.

The captain was detained a month at Hamburg before he was permitted to come to Paris, and he was not able to arrive at this city before the 6th September, four days before the condemnation of the property; and in this short space of time he found it impossible to present the defence, of which he was preparing the materials.

Ship's papers.

1. Register. 2. Mediterranean pass. 3. Sea letter. 4. Bill of lading. 5. Certificate of destination. 6. Roll of equipage. 7. Manifest. 8. Certificates for cargo. 9. Clearance. 10. Certificates of origin. 11. Decision of the Danish prize court.

DAVID BAILIE WARDEN.

PAPER A.

<i>Vessels.</i>	<i>Masters.</i>	<i>Owners.</i>	<i>Of</i>	<i>From</i>	<i>Bound to</i>	<i>Captors.</i>	
Brutus	Fenno	N. Robinson, and others	Boston	New Orleans	Petersburg	Danes	Acquitted by inferiour court. Captors appeal.
Fame	Perry	Brown and Hollins	Baltimore	Ditto	Ditto	Ditto	Acquitted.
Delaware	Gill	J. Moses and sons	New York	Petersburg	New York	Ditto	Acquitted. Captors taxed costs.
Experiment	Wibbert	Minturn and Champlin	Ditto	Ditto	Ditto	Ditto	Released.
Rachel	Mattenby	William Gray	Boston		Petersburg	Ditto	Ditto.
Laura	Lambert	Ric. Black	New York	New York	Ditto	Ditto	Pending.
Concordia	Johnson	H. A. and J. G. Coster	Ditto	Petersburg	New York	Ditto	Released.
Amiable Matilda	Hague	John Ogden	Ditto	N. York & Norway	Riga	Ditto	Ditto.
Swift	Daggett	Bullock and Richmond	Providence	Petersburg	Providence	Ditto	Ditto.
Aurora	Curtis		Marblehead	Russia	Ireland	Ditto	Condemned. English license, &c.
Zodiac	Millar	John Ogden	New York	New York	Petersburg	Ditto	Released.
Phoenix	Freeman	J. A. Parker	New Bedford	London	Ditto	Ditto	Ditto.
Hero	Blackler	William Blackler & sons	Marblehead	Marblehead	Ditto	French	Condemned. Suspicion of being on English account, and of sailing with convoy, &c.
Radius	Lander	William Gray	Boston,	Newport	Ditto	Ditto	Condemned. Suspicion of being on English account.
Washington	Brown	Furlong and Co.	Newburyport	Newburyport	Ditto	Danes	Condemned in inferiour court. Pending in high court.
Dolphin	Latham	Jaco. Barker	New York	Unknown	Unknown	Ditto	Released.
Maryland	Peters	Jacb. Barker	Ditto	London	Petersburg	Ditto	Condemned in inferiour court. Pending in high court.
Neptune	Warner	Unknown	Newburyport	Gottenburg	Ditto	Ditto	Condemned. English license, &c.
Comet	Dennis	Ditto	Boston	New York	Stettin	Ditto	Released.
Augustus	Flint	Jos. Peabody	Salem	Petersburg	Salem	Ditto	Cond. in the inferiour court. Acqu. in the high court.
Sukey	Osgood	S. Phillips	Ditto	Ditto	Ditto	Ditto	Released.
Hannah	Dennis	Unknown	Newburyport	England	Petersburg	Dan. afterw. Fr.	
Two Generals	Courtois	Ditto	St. Simons			Ditto	
Egeria	Law	Ditto	New York	Christiansand	Petersburg	Ditto	Released.
Nancy	Eveleth	Moses Brown	Newburyport	Newburyport	Ditto	Danes	Condemned in the inferiour, pending in the high court.
Jeremiah	Russell	Unknown,	Salem	Salem		Ditto	do.
Lyon	Jones	Ditto				Ditto	Released.
Horace	Leech	William Gray	Salem	Petersburg	Boston	Ditto	Acquitted.
Packet	Somes	Unknown	Boston	Boston	Petersburg	Ditto	Released.
Industry	Cook	Ditto	Philadelphia	United States	Christiana	Ditto	Ditto.
Rover	Groves	Ditto	Boston	New Orleans		Ditto	Released.
Jane Maria	Moflatt	Ditto	New York	New York		Ditto	Ditto.
John	Raynolds	Ditto	Providence			Ditto	Acquitted. Captors appeal; and finally acquitted.
Pilot	Groves, Gower	S. Smith	Baltimore	Baltimore	Petersburg	Ditto	Released.
Hæbe	Parson	Unknown	Ditto	Gottenburg	U. States	Ditto	Ditto.
President	Pontis	Ditto	Charleston	Ditto	Archangel	Ditto	Condemned. English property.
Roboreas	Williams	Ditto		Petersburg	Boston	French	
Andromache	Laing	Ditto		Ditto	New York	Ditto	
Julian	Abbott	Ditto	Philadelphia	Philadelphia	Gottenburg	Dan. afterw. Fr.	Condemned on pretence of being on English account, &c.
Catharine	Ockington	Ditto	Boston	Boston	Gottenburg	Do do.	Do. do. do.
Hercules	Snow	Ditto	New Bedford	Charleston	To a port in the Baltic.	French	Pretence of sailing under convoy, &c.
Atlantick	Yane	Ditto	New York	Carlsham, in Sweden	Gottenburg	French	
Indian Chief		Ditto			Ditto	English	
Olive Branch	Bradley	Ditto	Philadelphia			French	See document marked B. No. 12.
Jane Maria	Moflatt	Ditto				Ditto	Do. do. do.

LIST OF AMERICAN VESSELS ARRIVED SINCE JULY 14, 1811.....Continued.

N. B. Those of a prior date were not known to have arrived on the 15th July, when the last list was made out.

Vessels.	Masters.	Of	From	Bound to	Cargo.	Owners.	Date	Proceedings.
Henry	Harris	Salem	Petersburg	Boston	Iron,hemp	T.W.Ward,Wm.Ward and S. G. Gray	Sept. 5	Passed without interruption.
Sally	Giddings	Beverly	Ditto	Beverly	Iron,hemp	Leech,Stevens & Kiilan	7	ditto ditto.
Sachem	Howland	Boston	Ditto	Boston	Iron,hemp	J. Holland	8	ditto ditto.
Iris	Woodbury	Ditto	Ditto	Ditto	Iron,hemp	H. Gray	9	ditto ditto.
Argus	Barnes	Baltimore	Ditto	Baltimore	Iron,hemp	Gooding,Hitchins & co.		ditto ditto.
Columbia	Jennison	St. Ubes	St. Ubes	Copenhagen	Salt	Isaac Waters		ditto ditto.
Packett	Somes	Boston	Boston	Petersburg				Captured. Pending.
John Adams	Downing		Petersburg	U. S.				Passed without interruption.
Industry	Cook	Philadelphia	U. S.	Christiana				Capt'd. and carried into Fahrund. Pending.
Rover	Groves	Boston	New Orleans		Cotton			Captured. Pending.
Jane Maria	Moffatt	New York	New York		Tobacco			ditto ditto.
John	Rainal	Providence						Captured. Released.
Schooner Pilot	Gower	Baltimore	Baltimore	Petersburg	Coffee	S. Smith	23	Captured. Pending.
Superior	Luscomb		Petersburg	Philadelphia	Hemp	Pratt and Kintzing		Passed, but afterwards wrecked.
Dorothea	Dougherty	Philadelphia	Ditto	Ditto	Iron,hemp	Lewis Clapier	24	Passed without interruption.
Mary	Peterkin		Copenhagen					ditto ditto.
Cygnat	Cazneau	Boston	Petersburg	Boston,	Iron,hemp	Snow and Cazneau	29	ditto ditto.
Hæbe	Parson	Baltimore	Gottenburg	U. S.				Captured. Pending.
President	Portis	Charleston	Ditto	Archangel	Ballast			ditto ditto.
Roboreas	Williams		Petersburg	Boston				Captured by a French privateer.
Andromache	Laing		Ditto	New York				ditto ditto.

Total 82 vessels.

October 9, 1811.

GEORGE W. ERVING.

From the foregoing list, it results that the number of vessels which have arrived since the 15th July (or arrivals not entered in the list of 15th July) is 82
Of these there have been captured and released, 14
Condemned on justifiable grounds, 2
Gone clear without interruption, 44
French captures, ("Hero," "Radius," "Roboreas," "Andromache,") 4
Pending Norway cases, 7
Pending Denmark cases, 11
—82

Pending Cases, Oct. 9, 1811.

In Norway—Brutus, Fenno, master, } Acq. by inf. court.
Laura, Lambert, do. } Captors appeal.
Comet, Denis, } Released.
Industry, Cook, } ditto.
Pilot, Gower, } ditto.
Hæbe, Pawson, } ditto.
President, Portis, } Condemned. English property.

In Copenhagen—Washington, Brown, } Condemned in
Maryland, Peters, } the inferior
Augustus, Flint, } court. Pending in the
Nancy, Eveleth, } high court.
Jeremiah, Russell, }
Horace, Leech, }
Packet, Somes, } Released.
Rover, Groves, } ditto.
Jane Maria, Moffatt, } ditto.
Hannah, Dennis, } Double captures.
Two Generals, Courtois, }

Of these, 4 Norway cases, and 3 Copenhagen cases have been released, viz.

Norway cases...."Comet," "Industry," "Pilot," "Hæbe."

Copenhagen cases...."Packet," "Rover," "Jane Maria."

One Norway case condemned on justifiable ground. Ten cases actually pending.

November 1, 1811.

GEORGE W. ERVING.

LIST OF AMERICAN VESSELS ARRIVED SINCE JULY 14, 1811.

N. B. Those of a prior date were not known to have arrived on the 15th July, when the last List was made out.

Vessels.	Masters.	Of	From	Bound to	Cargo.	Owners.	Date.	Proceedings.
Olive Branch	Bradley	Philadelphia	Philadelphia	Copenhagen	Hides, fastick	Pratt and Kintzing	July 1	Passed without interruption.
Washington	Brown	Boston	St. Petersburg	Boston	Iron, hemp	R. Gray	2	do. do.
Brutus	Fenno	Ditto	N. Orleans	Petersburg	Cotton	N. Robinson and oth	June 7	Capt. & carried to Fahrsund. Pending.
Fame	Perry	Baltimore		Ditto	Coffee	Brown and Hollings		do. do. acquitted.
Andromeda	Laing	Bristol	Norway	Copenhagen	Rice, rum, &c.	James D'Wolfe & co.	July 7	Passed without interruption.
Narraganset	Paine	Ditto	Bristol	Petersburg	Sugar, cotton	J. and G. D'Wolfe	9	do. do.
Dorothea	Dougherty	Philadelphia	Philadelphia	Ditto	Sugar, indigo	Lewis Clapier		do. do.
Louisa	Rice	Salem	Salem	Ditto	Sugar, fustick	R. Wheatland	11	do. do.
Delaware	Gill	New York	Petersburg	New York	Hemp, bristles	J. Moses and sons		Detained & relea. Captors taxed costs.
Experiment	Vibbert	Ditto	Ditto	Ditto		Minturn & Champlin	14	Captured and released.
Rachel	Mattenly	Boston		Petersburg	Fruit	William Gray		do. do.
Laura	Lambert	New York	New York	Ditto	Cotton	R. Black		Cap. & carried into Fahrsund. Pending.
Lucia	Haskell	Boston	Boston	Ditto	Cotton, coffee, sug. &c.	William Gray		Passed without interruption.
Columbine	Jones	New York	Petersburg	New York	Iron, hemp, &c.	Hicks, Jenkins & co.		do. do.
Herald	Graves	Salem	Ditto	Salem	Iron, hemp, &c.	Silsby and Stone	20	do. do.
William and Eliza	Howland	New Bedford	Ditto	New Bedford	Iron, hemp	W. Rotch and son		do. do.
Concordia	Johuson	New York	Ditto	New York		H. A. & J. G. Coster	22	Captured and released.
Amiable Matilda	Hague	Ditto	N. York & Norway	Riga	Sugar, coffee	Jonathan Ogden		Captured and released.
Swift	Daggett	Providence	Petersburg	Providence		Bullock & Richmond	24	Captured and released.
Aurora	Curtis	Marblehead	Russia	Ireland				Captured, cond. English license, &c.
Zodiac	Millar	New York	New York	Petersburg	Sugar, &c.	Jonathan Ogden	26	Captured and released.
Roboreas	Williams	Boston	Newport	Libeau	Cotton, logwood	Henry Gray	27	Passed without interruption.
Weymouth	Gardner	Ditto	Ditto	Petersburg	Cotton, logwood,	Crowel Hatch		do. do.
Phoenix	Freeman	New Bedford	London	Ditto	Ballast	J. A. Parker		Captured and released.
Susannah	Cassan	Philadelphia	Petersburg	Philadelphia	Hemp, iron, &c.	Savage and Dugen	August 2	Passed without interruption.
Agent	Row	Ditto	Philadelphia		Tea, nankeens	Rb. Ralston		do. do.
Halcyon	Heelen	Boston	Boston	Petersburg	Sugar, cotton, &c.	Watson and Heelen	5	do. do.
Ellen	Keating	Portland	Portland	Ditto	Mahogany, logwood	Cross, Alder and co.		do. do.
Hector	Hetherington	Providence	Providence	Ditto	Coffee, cotton	Brown and Ives		do. do.
Moses	Massey	Salem	Salem	Copenhagen	Rice, flour, beef	Richard Gardner		do. do.
Hero	Blackler	Marblehead	Marblehead	Petersburg	Coffee, cotton	Wm. Blackler & sons		Detained by French privateer. Cond.
Radius	Lander	Boston	Newport	Ditto	Oil, cotton	William Gray	6	do. do.
Richmond	Jervis	Philadelphia	Philadelphia	Ditto	Coffee, sugar, logwood	Savage and Dugen,		Passed without interruption.
Minerva	Baker	Portland	Portland	Ditto	Sugar, coffee, mahogany	Cobb and Clapp		do. do.
Indian Queen	Hammond	New York	Lisbon	Ditto	Ballast	Abraham Barker		do. do.
Washington	Brown	Newburyport	Newburyport	Ditto	Coffee, sugar, pepper	Fulong and co.	11	Capt. bro't into Copenhagen. Pending.
Dolphin	Latham	New York			Rice, cotton	Jacob Barker	12	Captured. Released.
Maryland	Peters	Ditto	London	Ditto	Ballast	Ditto	14	Captured. Pending.
Neptune	Warner	Newburyport	Gottenburg	Ditto	Ditto			Do. condemned, English license, &c.
Bg. Comet	Dennis	Boston	New York	Stettin	Hides, pep. indigo, bark			Captured. Pending.
Washington	Story	Salem	Petersburg	Salem	Iron, hemp, diaper	Wm. Orne	20	Passed without interruption.
Augustus	Flint	Ditto	Ditto	Ditto	Iron, hemp, ravens duck	Joseph Peabody	25	Captured. Pending.
Union	Procter	Marblehead	Ditto	Marblehead	Iron, hemp, manf.	W. N. Hooper		Passed without interruption.
Ellen Maria	Adams	Newburyport	Riga	Newburyport	Iron, hemp	Swett and Adams		do. do.
Swift	Clarkson	Ditto	Liebau	Ditto	Iron, hemp, flax	B. Merrill	27	do. do.
Sukey	Osgood	Salem	Petersburg	Salem	Tallow, hemp	S. Philipps	28	Captured and released.
Jewitt	Robinson	Portland	Ditto	Portland	Iron, hemp	William Widgery	30	Passed without interruption.
Hannah	Dennis	Newburyport	England	Petersburg				Capt. by a Dane, & afterw. by a Fr. priv.
Two Generals	Courtois		St. Simons		Cotton			do. do.

Continued.

<i>Vessels.</i>	<i>Masters.</i>	<i>Of</i>	<i>From</i>	<i>Bound to</i>	<i>Cargo.</i>	<i>Owners.</i>	<i>Date.</i>	<i>Proceedings.</i>
Egeria	Law	New York	Christiansand	Petersburg				Captured by a Dane. Released.
Orestes	Allan	Kennebunk	Petersburg	Boston	Hemp, tallow	H. M'Culloch	Aug. 31	Passed without interruption.
Moses	Massey	Salem	Copenhagen	Salem	Iron, linen	Richard Gardner		do. do.
Nancy	Eveleth	Newburyport	Newburyport	Petersburg	Sugar, logwood	Moses Brown	Sept. 3	Captured. Pending.
America	Ward	Salem	New York	Ditto	Cotton, gum	Crowninshield		Passed without interruption.
Jeremiah	Russell	Ditto	Salem		Sugar, &c.			Captured. Pending.
Lyon	Jones							do. Released.
Hope	Perl	Salem	Petersburg	Boston	Iron, hemp, &c.	St. Gray	5	Passed without interruption.
Betsey	Barker	Boston	Ditto	Ditto	Iron, hemp	William Parsons		do. do.
Cornelius	Bragdon	Ditto	Ditto	Ditto	Iron, hemp	S. S. Barrell	9	do. do.
Alknomac	Irish	New York	Ditto	New York	Iron, hemp	H. A. and J. G. Coster	8	do. do.
Horace	Leech	Salem	Ditto	Boston	Iron, hemp	William Gray	7	Captured. Pending.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
SENATE. JAN. 14, 1813.

I TRANSMIT to the Senate a report of the Secretary of State, complying with their resolution of the 22d December.

JAMES MADISON.

[This report has, we believe, never been made publick. The subject may be indistinctly understood from the resolution, which follows:]

Extract from the Confidential Proceedings of the Senate of the United States, December 22, 1812.

“RESOLVED, That the President of the United States be requested to cause to be laid before the Senate, any information which he may have of the intention of the enemy to take possession of East Florida, and of the disposition of the people of that territory to be received under the protection of the government of the United States; the amount of the American force in that neighbourhood, and under the command of general Wilkinson, and the quantum of the Spanish or other force in St. Augustine, Pensacola, and Mobile, and respecting any negotiation that may have been had for the settlement of differences and claims, existing between the United States and Spain, not heretofore laid before the Senate; respecting any proposal or negotiation that may have been made, or had by or with any person or persons exercising the powers of the government of Spain, or claiming to exercise the powers of said government, or with their respective agents, for the cession of East Florida to the United States; respecting any proposal to or from the local authorities of East Florida, (not heretofore communicated,) for the cession, surrender, or occupancy thereof, to or by the United States; and also any information respecting the relations of the United States with Spain or said territory of East Florida, which the President may deem proper to communicate.”

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
SENATE. FEB. 18, 1813.

I TRANSMIT to the Senate a report of the Secretary of State, complying with their resolution of the 18th of January, 1813.

JAMES MADISON.

[The foregoing report has, we believe, never been made public. The subject may be indistinctly understood from the resolution, which follows:]

Extract from the Confidential Proceedings of the Senate of the United States, Jan. 18, 1813.

“RESOLVED, That the President of the United States be requested to cause to be laid before the Senate, all letters and communications that have passed between the government of the United States and that of Spain, or the ministers thereof, since the 9th day of Jan. 1804, on the subject of indemnities for spoliations committed on our commerce by her subjects before that time; and also in relation to French seizures and condemnation of our vessels in the ports of Spain, during the late war with France; together with such communications between this and the French government, as relate to the same subjects; with such instructions as have been given to the ministers of the United States in relation to the same. And any propositions or negotiations that have been had or made with France or Spain, for ceding East Florida to the United States, previous to the 15th day of January, 1811, not heretofore communicated.”

By the Right Hon. Sir John Borlase Warren, Bart. K. B. Admiral of the Blue, and commander in chief of his majesty's ships and vessels employed and to be employed on the American and West Indian station, &c. &c. &c.

PROCLAMATION.

WHEREAS his royal highness the prince regent hath caused his pleasure to be signified to the right honourable the lords commissioners of the admiralty, to direct that I should institute a strict and rigorous blockade of the Chesapeake, the Delaware, and the ports and harbours of New York, Charleston, Port Royal, Savannah, and the river Mississippi, in the United States of America, and to maintain and enforce the same, according to the usages of war in similar cases, and the ministers of neutral powers have been duly notified, agreeably to the orders of his royal highness, that the measures authorized by the law of nations, would be adopted and exercised with respect to all vessels which may attempt to violate said blockade:

And whereas, in obedience to his royal highness's commands, I did without delay, station a naval force off each of the before mentioned bays, rivers, ports, and harbours, sufficient to carry his royal highness's order for the blockade thereof into strict and rigorous effect; but finding that the enemy, by withdrawing his naval force from the port of New York, and establishing at the port of New London, a naval station, to cover the trade to, and

from the port of New York, thereby endeavouring to prevent, as far as in his power, the execution of his royal highness's said orders; and also finding, that the enemy has, through the medium of inland carriage, established a commercial intercourse between the said blockaded ports and the rivers, harbours, creeks, bays, and outlets contiguous thereto, whereby the full effect of the said blockade has been to a certain degree prevented; in order to put a stop to the same,

I do, by virtue of the power and authority to me given, and in obedience to the orders I have received, declare, that not only the ports (heretofore proclaimed) are still continued in a state of rigorous blockade, but that I have also ordered all that part of Long Island Sound, being the sea-coast lying within Montaug Point, or the eastern point of Long Island, and the point of land opposite thereto, commonly called Black Point, situate on the sea-coast of the main land, together with all the ports, harbours, creeks, and entrances of the East and North rivers of New York, as well as all the other ports, creeks and bays, along the sea-coast of Long Island, and the state of New York, and all the ports, harbours, rivers and creeks, lying and being on the sea-coasts of the states of East and West Jersey, Pennsylvania, the lower counties on the Delaware, Maryland, Virginia, North and South Carolina, Georgia, and all the entrances from the sea into the said river of Mississippi, to be strictly and rigorously blockaded: And I do therefore, by virtue of the power and authority in me vested, declare the whole of the said harbours, bays, rivers, creeks, and sea-coasts of the said several states to be in a state of strict and rigorous blockade.

And I do further declare, that I have stationed on the sea-coast, bays, rivers, and harbours of the said several states, a naval force, adequate and sufficient, to enforce, and maintain the blockade thereof, in the most strict and rigorous manner. And I do hereby require the respective flag officers, captains, commanders, and commanding officers of his majesty's ships and vessels, employed and to be employed, on the American and West Indian station, and all others whom it may concern, to pay the strictest regard and attention to the execution of the said orders of his royal highness the prince regent, and also to the execution of this order. And I do caution and forbid, the ships or vessels of all, and every nation in peace and amity with the crown of Great Britain, from entering or attempting to enter, or from coming out, or attempting to come out, of any of the ports, harbours, bays, rivers, or creeks before mentioned, under any pretence whatsoever; and that no person hereafter may plead ignorance of the measures which his majesty has been reluctantly compelled to adopt, in order to force his enemy to put an end to a war, on their part unjustly declared against his majesty, and all his subjects, I have caused this proclamation to be published.

Given under my hand, at Halifax, the 16th day of November, 1813.

JOHN BORLASE WARREN,

Admiral of the Blue, and commander in chief, &c. &c. &c.
To the flag officers, captains, &c.

By command of the admiral.

GEO. R. HULBERT, *Secretary.*

By the Honourable Sir Alexander Cochrane, Knight of the Bath, &c. &c. &c. &c.

PROCLAMATION.

WHEREAS admiral the Right Hon. Sir John Borlase Warren, did by virtue of the power and authority to him given, by his proclamation bearing date at Halifax, the 16th day of Nov. 1813, declare that not only the ports and harbours of the Chesapeake, Delaware, New York, Charleston, Port Royal, Savannah, and the river Mississippi, in the United States of America, were and still continued in a state of blockade, but also that part of Long Island Sound, being the sea-coast lying within Montaug Point and the point of land opposite thereto, commonly called Black Point, together with all the ports, harbours, creeks and entrances of the North and East rivers of New York, as well as all other the ports, creeks, and bays along the sea-coast of Long Island and the state of New York, and all the ports, harbours, rivers and creeks lying and being on the sea-coast of the states of East and West Jersey, Pennsylvania, the lower counties on the Delaware, Maryland, Virginia, North and South Carolina, Georgia, and all the entrances from the sea into the said river Mississippi, were blockaded:—And whereas, since the institution of the said blockade, the enemy availing himself of the supplies which have been furnished by means of neutral communication to those ports and places of the said United States which were left open and unrestricted, hath already fitted out numerous vessels of war, and is now engaged in constructing and setting forth several ships of the line as well as frigates and other armed vessels, for the purpose of prosecuting the war with Great Britain, and frustrating the object of the said blockade:—

I do therefore, by virtue of the power and authority in me vested, declare, in addition to the said ports and places blockaded as aforesaid, all the remaining ports, harbours, bays, creeks, rivers, inlets, outlets, islands and sea-coasts of the said United States of America, from the point of land commonly called Black Point to the northern and eastern boundaries between the said United States and the British province of New Brunswick in America, to be in a state of strict and rigorous blockade. And I do further declare that I have stationed off the said ports and places, herein before mentioned, a naval force adequate to maintain the said blockade, in the most rigorous and effective manner.

And I do hereby require the respective flag officers, captains, commanders and commanding officers of his majesty's ships and vessels employed and to be employed on the North American station, and all others whom it may concern, to pay the strictest regard and attention to the execution of this proclamation. And I do caution and forbid the ships and vessels of all and every nation in peace and amity with the crown of Great Britain, from entering or attempting to enter, or from coming out, or attempting to come out of any of the said ports, harbours, bays, creeks, inlets, outlets, islands and sea-coasts, after due notification of the said blockade under any pretence whatever : And that no person may plead ignorance of this proclamation, I have caused the same to be published.

Given under my hand at Bermuda, the 25th day of April, 1814.

ALEXANDER COCHRANE.

To the respective flag officers, captains, &c. &c. &c.

By command of the Vice Admiral.

WM. BALHETCHET, *Secretary.*



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS it is manifest that the blockade, which has been proclaimed by the enemy, of the whole Atlantic coast of the United States, nearly two thousand miles in extent, and abounding in ports, harbours, and navigable inlets, cannot be carried into effect by any adequate force actually stationed for the purpose ; and it is rendered a matter of certainty and notoriety, by the multiplied and daily arrivals and departures of the publick and private armed vessels of the U. States, and of other vessels, that no such adequate force has been so stationed : And whereas a blockade thus destitute of the character of a regular and legal blockade, as defined and recognised by the established law of nations, whatever other purposes it may be made to answer, forms no lawful prohibition or obstacle to such neutral and friendly vessels as may choose to visit and trade with the United States : And whereas it accords with the interest and amicable views of the United States, to favour and promote, as far as may be, the free and mutually beneficial commercial intercourse of all friendly nations disposed to engage therein, and with that view, to afford to their vessels destined to the United States, a more positive and satisfactory security against all interruptions, molestations, or vexations whatever, from the cruisers of the United States : Now be it known, that I, James Madison, President of the United States of America, do, by this my proclamation, strictly order and instruct all the publick armed vessels of the United States, and all private armed vessels commissioned as privateers, or with letters of marque and reprisal, not to interrupt,

detain, or otherwise molest or vex, any vessels whatever belonging to neutral powers, or the subjects or citizens thereof, which vessels shall be actually bound and proceeding to any port or place within the jurisdiction of the United States; but, on the contrary, to render all such vessels all the aid and kind offices which they may need or require.

Given under my hand and the seal of the United States, at the city of Washington, the 29th day of June, in the [SEAL.] year one thousand eight hundred and fourteen, and of the independence of the United States, the thirty eighth.

JAMES MADISON.

By the President.

JAMES MONROE,
Secretary of State.

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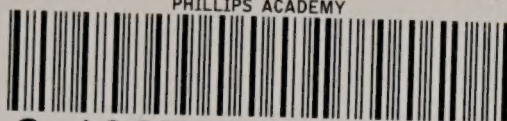
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